

THE  
AUTHORITY  
OF THE  
MAGISTRATE,  
About RELIGION,  
DISCUSSED,

In a Rebuke to the PREFACER  
of a late Book of Bithop BRAMHALLS.

BEING

A Confutation of that mishapen Tenent,  
Of *The Magistrates Authority over the Conscience in the matters of Religion.* And the better asserting of his Authority Ecclesiastical, by dividing aright between the use of his Sword about Religious Affairs, and Tenderneſs towards Mens Conſciences.

AND ALSO

For Vindication of the grateful Receivers  
of His Majesties late gracious Declaration,  
against his and others Aspersions.

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By J. H.

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The AUTHORITY of the  
MAGISTRATE about RE-  
LIGION Discussed.

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SECT. I.

**I** Have met in the Book-sellers Shop with some Sheets of late, put out under the pretence of a *Preface* to another Book : but with the design of so much *Malevolence*, in the abuse of one particular worthy person, that I am astonished at the man, That ever one of parts and understanding, (though so young a Doctor as he is) should be so forsaken of his Discretion, of Religion, of Morality, of Ingenuity, of the knowledg of himself, and all discernment of his duty, to God and to his Neighbour, as to suffer this *Half Book* of his now upon cold blood after

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so great a *Whole one*, which was enough to have rid anothers stomack if it had been a *Stable*, to look the World in the face, and his own Cheeks not be abashed. Alas, that the Talents of our Lord, and excellent parts which he hath given this man, should become to him such a temptation ! *Not a Novice* (says the Apostle) *lest he fall into the condemnation of the Devil.* Is it because the young man perhaps is misled, abused himself, and drawn in by some of eviller nature and more inveterate, that he can sprinkle himself thus in gall, and delight his soul in such an insulting malice, petulant hatred, and an implacable disposition ? Can he indeed think and believe or any else for him, that this is what becomes a Christian, and a Minister, to set himself for so many weeks as he hath been writing this, to the exercise of wrath, revenge, spite, uncharitableness, rancour, reviling, calumny, wrong, evil speaking ? Is this indeed the serving of God and going to Chappel ? Alas, that the zeal of this Chaplain for the cause of the Church should be shewn only in such good works ! *Ego quando cuique vel dicendo vel scribendo respondeo* (says St. Austin) *etiam contumeliosis criminationibus laceffit, quantum mihi Dominus donat, frenatis atque coercitis vanæ indignationis aculis,*  
*auditori*



*auditori lectorive consulens, non ago ut efficiat homini convitiando Superior, sed errorem convincendo salubrior.* This is a passage it is like this youthful Divine never read, I am sure he hath not yet practised, and it will be worthy his future observation. *Contra litteras Petilianæ, l. 3. c. 1.* Shall I be sorry now and mourn over the man for his sin, which he hath sinned against God, against all good men, and against his neighbour, and wish him with all earnestness to repent of so great iniquity that he may be forgiven? If I do so, I am afraid it will do nothing. Shall I excuse him as overtaken with passion, prejudice, hast, precipitancy, unadvisedness, surprize? No, he will by all means be believed thus insolent deliberately, with a *composed mind*, and upon choice. Shall I then commend his Christian bravery, magnanimous charity, and pious adventure in his agressing of *one* person, and reproving *another* of so much eminency and ability which others are afraid to cope with, meerly out of tenderness of Conscience, and great compassion to the souls of people, least they should be hurt by their esteem and good name, and for no other reason in the World hath he done this. Why this is possible: But *what meaneth then the bleating of the Sheep, and lowing of the Oxen that I hear?* Is this the

language or voice of a man so affected : or of a tongue which setteth on fire the course of nature, and is set on fire of Hell ? What ! is it then the pride, self conceit, ostentation, vanity, the arrogance of this young man, and infinite presumption upon his voluble tongue and parts, which he can draw upon any body (and yet with a heart not malicious), that hath made him do thus, and fall upon this worthy person so unworthily as he hath done ? who being a reverend man, a Doctor of Divinity, of so much gravity, of long standing, excelling in Learning, and all sorts of it for his profession, of Dignity in his time as much as any have been capable of, a person of not d constant piety and a studious life, of universal affability, ready presence and discourse, liberal graceful and courteous demeanour, that speak him certainly (with a soever he be else) one that is more a Gentleman then most in the Clergy, and is accordingly favoured sometimes with his Princes converse, and the general veneration of the people : And for such a man to be treated after this barbarous prostituted manner, with so horrid insolent a disdain and contempt, as if he were the vilest *Caitiffe*, and *son of Belial*, with the like expressions, it is such a monstrous piece of immorality in the thing

thing it self, a villainy to Religion, and indignity to humane nature, a breaking the hedge of what is Sacred. laying open the inclosures of all modesty and civility in making the *worthy* common and *Level* with the *Wissams*, to the affront of the whole Nation, while every man in Justice is bound to defend his neighbour from injury (so far as he can) as well as do him none, that we all me think should be ready to rise up as one man to the rebuke of such a crime. and go with our desires to the King and to the Council, that the young man be made an example. It is my just indignation at the fact onely makes me use this vehemence in my expression, but my meaning is, that he be brought to publick penance and recantation. *And then shall all the people hear and fear, and none shall do any more so presumptuously.*

For the appearance of some method to his Preface, this Author tells us at the beginning that he intends two things: *To say something of the Treatise: and something of the reasonableness of it.* As for me, I have nothing to say of either of these, they require it not. Only I perceive that is not past four or five leaves, but himself hath done with these two particulars as insignificant to spend more time upon, and then there is forty more for him

to ramble in about the matter of his former Books, and one new matter he hath started, and against Doctor *Owen*; which indeed is the *Helena* that hath given life to this publication. Well! I have no more to say to him about that Doctor: only I have one thing to offer in the way to the Doctor about him, and it shall be that advise out of *Augustine*: *Si non aurem solum percutit iracundia criminantis, verum etiam conscientiam mordet veritas criminis, quid mihi prodest si me continuis laudibus totus Mundus attollat? Ita nec malam conscientiam sanat praconium Laudantis: nec bonam vulnerat convitiantis opprobrium. Cont. lit. Pet. l. 3. c. 7.* For the Treatise it self likewise of the Bishop, I leave it to one who is able if he see it good to examine it. Whatsoever the Book be, or the person who seemeth to be somewhat, it maketh no matter to me, and perhaps as little to Mr. B. I meddle not with it. But two things in good earnest there are in this Preface of general concern, which I must take notice of, for the one will be worthy of our time, and the other I will not quite slide over.

*Sett.*

## Sect. 2.

That which I take notice of, and make not my task is this, the resolution he offers to a certain question he is pleased to raise, *what danger there is of the return of Popery in this Nation.* The question is certainly a malepert question, and he does as briskly resolve the business. That the Fanaticks and Athists are like indeed to bring it in, but else there is no danger at all of it. There are, he says, a sort of Athists among us, not like those of old that expecting no life to come laboured onely to live merry, and free themselves from care, but these of our age says he are *a sort of Devilish and malicious wretches, whose proud and arrogant minds make them love mischief for mischief sake.* I doubt there are some persons of note, greater parts, quality and spirit, that do slight this proud young man, and that that is the *English* of these words. It is hard for those that come near of a trade, to like one another. The Athists of this age (which Mr. Hobs and he, while they put conscience under humane Authority, are like to make as fast as they can get any to believe them) are of the same kind, no doubt with those that have been formerly, though the age generally

nerally is more wicked, and I see no reason why the *Atbist*, more then the *Adulterer*, Drunkard, or Swearer, should be willing to *change* the Government of our d<sup>r</sup> Church, which is indeed so *mild* and *gentle* to them (as he speaks) to bring in Popery, that might perhaps put them into the Inquisition: or any other Ecclesiastick discipline else, that would punish *them*, twenty to one else, more for their *Vices* and *Debaucheries*, then *others* for the enjoyment only of *Liberty of Conscience*. On the other hand for the Fanaticks, I must profess I never perceived yet that they are sensible of any such plot of theirs in hand, and it is huge like if they had any such, they themselves might come to the knowledge of it. The truth is, it is not the Fanaticks so much as the Episcopal party that raise these jealousies of Popery. The Fanaticks have no *Dignities* or *Pluralities* to loose, and it is the looseis, and those that fear to loose, that speak. No, let me speak more freely, if Popery should indeed prevail upon the Nation, it is these Episcopal Bigots that we must be beholding to for it. For the *God* of these men, that is *Uniformity*, hath so blinded their eyes and insatuated their judgements, that they will venture the ruine of all, rather then abate any thing for an accommodation with  
their

their Brethren that should joyn their Shoulders against it. That *Papery* and *Fanaticism* are to be resisted by *comprehension*, is day light: But these *High Conformists* are blind, obstinate, perverse. And a I must say at the last, it is they may thank themselves for this.

There are two parts of that Parliamentary Grace, which is necessary to this Kingdoms better establishment. The one lies indeed in *Indulgence* or *Forbearance* towards all, which is the Nations interest, and this the King seeing hath granted: The other lies in an *Accommodation* or *Comprehension*, which is of those only (that is some) that are capable, and this is the Bishops interest, but their party will not see it. There are accordingly two sorts of dissenters. One that own the National Ministry and our Parochial Congregations, and are in that capacity of coming in upon that account, and desire it heartily upon condescension to them in some matters: The other that own not our Churches, and so are incapable to come in, and cannot desire it or seek it.

For the one then that which we propose, is only a farther latitude in the established order of the Nation, that such may be received. Let us suppose nothing else required of a man to be a Minister of a Parish, then there is to  
the

the Parishoner to be a Member of a Parish Church, as part of the National. If a person Baptized will come to Church and hear Common Prayer, and receive the Sacrament and does nothing to be excommunicated for it, he is, he may, and must be received as a Parochial member : In like manner if a Minister first ordained (and so approved in his abilities for that function) will but read the Book of the Liturgy, and administer the Sacraments according to it, and does nothing deserving suspension, why should not this suffice for his enjoying a Living, and exercising the Office to which he is called. Let these Declarations onely which are imposed (whether to be made, subscribed or sworn) be laid aside, or left at least to our own words, and every Minister (out of the Cathedrals) be left to their choice about the Cross, Surplice, Kneeling at the Sacrament, and that is the sum of this business.

For the other, it is not I count righteous or charitable, that any who were able to come in upon any such *relaxed* terms, should be willing to have persecution reached forth on their Brethren that cannot. Besides that *Persecution* as well as *Preferment* are both alike animaters to engagement. If the Presbyterian be *comprehended*, he will be satisfied



to act in his Ministry without endeavouring any alteration otherwise of Episcopacy : If the Congregationalist be *Indulged*, he will be satisfied though he be not *Comprehended*, for that he cannot submit unto : and so shall there be no disobligation put on any, but all be pleased, and the Churches work, if the Parliament will, be soon done.

And who is there among you that feareth the Lord, and obeyeth the voice of his Servants, *his God be with him, and let him go up to Jerusalem, and build the House of the Lord.* We have indeed his Majesties late Declaration, *Thus saith Cyrus :* but where are our *Jeshuabs* with his Brethren the Priests, & our *Zerubbabels* ? Where are those heads of our Tribes, whom like the children of *Issachar*, God hath made wise hearted to know what to do at such a time as this ? Alas, that instead of those words, *Let us arise and build*, we should hear the speeches and read the writing of *Rebua* the Chancellor, and this *Shimshai* his Scribe. Be it known to the King that if the City be built, It is *a rebellious City and hurtful to Kings*, that they have moved *Sedition*, in the late War, and ought to be destroyed. *The contest now* (saith the Prefacer) *as it relates to the real concerns of the Nation is, which shall prevail Loyalty or Faction*

on ?

on? whether such Preachers should be permitted the liberty of making Proselytes, when all that are seduced into their Communion, are at the same time alienated from the Government, and listed into a combination against it. How miserably this tart Gentleman is out, he will see himself in good time, for we do all own Loyalty, when we do not yet obey their impositions. But who hath given license to the man (if himself were not the Licenser) to make any such saucy reflexion in print as this, upon that which his Majesty with great wisdom hath thought fit to be done? Let him produce any of those who come in and accept the Kings Grace, that can be accused of the least *disaffection* to, and much less of *combination* against his Government. If he mean the Episcopal Church, why are not these men as sagacious to *combine* us with them? Would he have the King no wiser for his *own* and the *Nations* interest, than they are for *theirs*? It is pity this so necessary, as well as Royal and kind act of the Kings to this Nation, should so nettle the high flown of these Conformists. It is pity indeed, but they should be offended, because so many honest innocent persons, who never did them any hurt in their lives, and yet they prosecuted with such hate, have escaped their talons. For  
my

my part I bleſs God in my inward Chamber, that he hath put it into the heart of his Ma-  
 jeſty, to ſhew this kindneſs to his people. And  
 that it may fret his and our Malignants the  
 more, I will tell them how much the rather I  
 am pleaſed with it, in regard of the Kings  
 free, conſtant, univerſal recognizing of it, e-  
 ſpecially to thoſe that come to him with their  
 humble thanks and ſubmiſſion. I will record  
 this one expreſſion of his to the Miniſters of  
*Wilts. Go thank them* (ſays he), *and I will af-*  
*ſure you, there ſhall never be any more perfec-*  
*tion for conſcience ſake, while I live.* Theſe are  
 words of an open, honeſt, candid, clear, ſin-  
 gle hearted Gentleman that we may truſt, as  
 having nothing of the counterfeit in them in  
 the Earth. Theſe are words that I think may  
 ſerve us, ſo long as by our prayers we can  
 keep him, and make thoſe that envy us look  
 black. I do therefore ſet this up for my ſtone  
 of remembrance, and I will engrave my ſhort  
 inſcription on it. *Hiſberto.* For it is true  
 there is ſomething moreover that ſome of us  
 would have, but not of the King. To let in  
 any into the publick Vineyard, and to make  
 it ſignifie, muſt be by an Act againſt plura-  
 lities with it. His Maſteſty does ſee that *Com-*  
*prehenſion* does draw deeper than his ſingle  
 will. And who ſhall come *come after the King,*  
 that

that hath Once talkt with him, for *knowledg* in this matter ? *Seeing therefore, that by thee we enjoy much quietness, and that very worthy deeds are done unto this Nation by thy providence, we accept it always, and in all places most noble Felix with all thankfulness.*

But what, does not the King assume an Authority in this Declaration more than he hath, when he himself dispenses with an Act and Acts of Parliament ? and what say you to that ? I answer, I will not take upon me to decide such a case as this is, which belongs to the Lawyers: but as a Divine, so far as conscience is concerned, (and it is but a mans own conscience he goes by) I will speak my opinion. The King himself does tell us that the Law does give him such a supremacy as this in Ecclesiastical matters, and that it is asserted in several Statutes. Now what reason there is for any of us to believe contrary to his assertion, unless we our selves were better *lawyers* than his Council & He, I know not. I will take the hint from this man, *Elias dicat quando venerit.* We all know that the King hath power to dispense with some *Laws*, & for any *Lawyer* to undertake to lay down the precise critical note of difference between those *Laws* which he may suspend, & those he may not, I believe will be hard : whereas we that go only by Politicks in general think this most ealie.

casie. The *Supream* Law must over-rule all  
*under* it; and in all human Laws *salus Rei-*  
*publicæ* is *suprema lex*. It is certain, when any  
 Laws prove disadvantageous to the Com-  
 munity, they themselves grow into disuse; and  
 when we have power to suspend our *duty*,  
 why the King as Executor of the Law, may  
 not suspend the *penalty*. or may not proceed  
 so far as this *Declaration*, *Elius dicat quando*  
*venerit*. The King I suppose may call the Cler-  
 gy to make Ecclesiastical Constitutions, and  
 by his Authority alone, without a Parliament,  
 ratifie or put a sanction on them: & whether  
 then he may not do as much as he hath done  
 for us in this gracious Indulgence, *Elius dicat*  
*quando venerit*. I have observed in reading  
 the Statute-Book wherein the King's Supre-  
 macy is concern'd against the Pope. That the  
*Crown of England* is called *Imperial*: whe-  
 ther that be any thing or no, to signifie his  
 Authority to be absolute without his Parlia-  
 ment in matters Ecclesiastical (though not in  
 Civil) I cannot tell; but if it be, *Elius dicet*  
*quando venerit*. When in *Henry* the Eighth's  
 time they took away the Supremacy from the  
 Pope, they gave the same to the King: and  
 if the Popes Authority in Ecclesiasticals was  
 undoubtedly over the Parliament, whether  
 the Kings may not be so also, *Elius dicat*  
 B *quando*

*quando venerit.* We know that the sole power of the *Militia*, which is one *Right of Majesty*, is declared to lye in the King, in some late Acts, when *Legislation* and the *Purse* belongs not to him without his Parliament: and why he may not have such a Supremacy in *Ecclesiasticals* which he hath not in *Civils*, as well as one of the Rights of Majesty and not *others*, according to the temperature of our *mixt State*, *Elius dicat quando venerit.* Above all, could we suppose the whole Nation convened, and were to give their vote, whether the King should have this power he hath exerted, or whether it should lye in the power of *this present Parliament*, and not in Him alone, I believe the major vote would be for the King. And when in the erecting of Commonwealths it is the consent of the people, is that which is the *conditio regnandi*, or *causa sine qua non*, & the Authority it self flows *immediately from God* upon that condition being put: whether that Prince who is perswaded in his conscience, he does nothing but that for which he hath the hearts & good-wills of the generality, as in this good deed of his Majesty in this Declaration, he may not have a good conscience toward God, however he be judged by men, or the Sages of the Law, I must leave

leave that also till *Elias* comes : *Elias* dicet quando venerit, as the Jews speak. I will conclude with that saying however of *Bracton*. *Si ab eo peccatur, locus erit supplicationi quod factum suum corrigat & emendet, quod quidem si non fecerit satis erit ei ad penam quod Dominum expectet ultorem. Nemo enim de factis suis presumat disquirere, multo minus contra factum venire, Brac. l. 1. c. 8.*

But again in point of Divinity. Fanaticism, and Popery, is sin, Idolatry ; and may sin, any sin be tolerated ? I distinguish, there is a *Private*, and *Publick* Toleration : and publick Toleration is either in the *Church*, or in the *State*. No sin is to be *privately* tolerated, but every soul is bound to renounce every sin, and to live in no evil course of life with will and knowledge unto death, upon pain of damnation. Again, no sin may be tolerated *publickly* by the Minister, but he is to reprove all, and spare none, that he may deliver his own soul : Besides, if any sin be lived in contumaciously to the scandal of others, such sinners are not to be tolerated in the *Church*, but to be cast out till they repent. But to think that no sin therefore must be tolerated by the Magistrate in the *World*, or in the *State*; without considering whether it be consistent or no with the publick peace

or welfare which is external, is a thought that must be unthought again. For the world are Idolators, *the World lyes in wickedness*, and if the wicked be cast out of the *Church*, it is into the *World* they are cast. Nay surely, if God had appointed every sin to have its punishment in this World, what need were there of a general Assizes in the next? *I wrot to you, not to company with Fornicators; yet not altogether with the Fornicators of this World, or with the Covetous, or Extortioners, or with Idolaters, for then must ye needs go out of the World.* This is certain, God does suffer sin to be, when he might hinder it, and that by a course of Justice, if he would immediately strike men dead, for example. I cannot but judge therefore, that though no sin may be done by the Magistrate himself, nor may he be partakers of it with others, *that good may come of it*: yet may he tolerate the sinner in his sin which he concurs no ways in, as God permits it in the World, *viz.* when a greater good does accrue to his subjects by that Toleration, then by the Punishment. Distinguish (say Divines) between *cogere ad fidem*, and *interdicere exercitio in heterodoxia*. *Posteriorius ad evitandum corruptionem & scandala competit Magistratui.* Distinguish again (say they) of a Common-wealth or Kingdom  
free,



free, and not free from diverse Religions. *Ibi cavenda, hic toleranda, sed cum conditione ne publica Religionis exercitia facile concedantur.* One would think his Majesty no small casuistica Divine, by the carriage of this Declaration. I will close this up with that pertinent passage and Comment of *Augustine*. *Cum Apostolus precipit nolite iungi cum infidelibus, exite de medio eorum, non intelligunt neminem coniungi cum infidelibus nisi qui facit peccata Paganorum, vel talia facientibus favet: nec quunquam fieri participem iniquitatis, nisi iniquam vel agat, vel approbat. Contra Epistolam Parmeniani, l. 2. c. 18.*

After this. I must confess as to Popery, I do hope that there is indeed no *Foundation* of those surmises which this Prefacers question must buzze amongst us, for all his saying also, *that there is none.* For to go to bring in a Religion upon a people which is no more prepared for it, then we are for Popery in this Nation, were but the committing of a rape or ravishment upon the publick conscience; and possession being got without getting our good wills, could not likely be long retained, nor could be lost again neither, but with an exceedingly encreased disadvantage to that party. Nevertheless seeing our Prefacer bath offered the supposition, I do both declare the

- effectual means to prevent it, and who they are must be the cause of it, if the event comes upon us.

But the Kings Majesties Declaration I know sticks still in their stomachs. *The penal Laws are taken off from the Papists, and from the Fanaticks.* And what then? I do believe we shall have never the more *Papists* nor *Fanaticks* for that. No, they have one Argument, *Difficulty and Suffering* the less, for their Church. The penal Laws did but whet their appetite, their own fulness will serve to cloy them, and give them enough. But the Church is divided, division countenanced, and is not Schism and Separation forbidden? *It hath been declared to me of you, that there are contentions among you.* I answer, the Kings Declaration found these Divisions in the Nation, it does not make them. Division and Separation simply considered, are neither good nor evil. There may be reason to divide or separate some persons from others out of prudence, as the Catechumens from the fully instructed of old, for their greater edification. It is not all division or separation is Schism, but sinful division. Such *Divisions* as the Apostle here also calls *Contention*. I must confess I have been a man professed still against Separation: but this Declaration does seem

seem to me to take away the very fore it self, which was in our separate Meetings till now. It is by Gods providence a *Medicinal Declaration*. And I will tell you my thoughts freely, as I use to do when I write. I look upon the call of a Nation to the Christian Religion, and and the Nations *answering that call*, to make a Church National. The King is head over his people as a Nation, and that in Ecclesiasticals, as well as Civils. As National head he hath appointed the Parochial Churches, and required that all his Subjects should frequent these Assemblies for the acknowledging, glorifying, or National serving and worshipping the true God, and Jesus Christ, whom we have received. This worship and service in the nature of it being intrinsically good, and the external order (such as that of place and the like circumstances) being properly under his jurisdiction, it hath seemed hitherto to me, that unless there was something in that order or way by him prescribed which is sinful, and that required too as a condition of that Communion, there is no man might refuse his attendance on those Parochial Assemblies, without the sin of disobedience, and consequently his separation thereby becomming sinful, it was Schism. Now Sirs ! It having pleased the Almighty to put

it into the heart of the King , not onely to forbear and connive at the Non-Conformist in their Preaching, but to allow, appoint, and design by his solemn Declaration, stated places for their Assemblies (according to the good hand of our God upon him) it does appear to me that these particular Assemblies, having the Authority of the Supream Head of the Church, equally with the Parish Churches, they are manifestly constituted thereby parts of the Church National, whereof he is Head, no less then the Parish assemblies. The matter is all one, as if a Parish onely which was too big, should be divided into two, where I say there is *Separation*, no *Schism*. I will undertake to make it good, that the Bishops Consecration of a Church is not necessary, to the making the Society that Assembles therein to be a particular Church, or part of the National: but that the Kings Authority alone is enough for that Relation. Nay I know not but the King upon the same account might constitute *unmaintained* Bishops over those particular Congregate Churches, if he pleased, as well as he hath *maintained* Bishops over those that have Livings, if it were to any purpose at all, and for his peoples edification. Well now then, if any Licensed person shall gather their Congrega-

gregations in a way of opposition to the Parish Churches, which he hath also establisht, by denial of them to be true Churches, I do account still that all such partaking thereby with the *Novatian* and the *Donatist* of old, must come under the condemnation of the Fathers and Councils passed upon their error, and that is that which καὶ ἕξοχῆν we call Separation. If any again shall gather a people in a way of strife, pride, vain-glory, envy, contention, which are breaches of Christianity, when the end of the Commandment is Charity, I will account this also being sinfull, it does make those conventions Schismatical. But if a man shall come honestly and peaceably in the fear of God with prudence and innocency, as becomes a Christian, to set up one of these Meetings by vertue of the same Authority as the Parish Priest hath his: I will desire any that can, to shew me now, where the sin is to be found. If he can shew it me I will consent to him, that he shall call all these Meetings Schismatical still, upon condition that if he cannot, he will pardon them henceforth who do go to these particular Churches ( by the Kings appointment now parts of the National ) with the same veneration and regard as to the Parish Congregations. We will thank the late ingenuous

Author

Author, who advised us to take heed that *Toleration be not abused*, and we do shew wherein that care is to be taken, that we may not abuse it : but when he would have had the Non-Conformist under pretence of not abusing his liberty, to take such a course only as not to use it at all (though the generality of us do judge they should most glorifie God this way) he deserved to be blamed ; who upon the conviction, will perhaps as soon as any, be ready to thank God with us, if a door so effectual be opened, then we may without offence, and without Schism, joyn our strength in a mutual love and concord for the carrying on the great work of mans Salvation throughout the Nation.

*But are not these Presbyterians very Knaves, who stood before on Christs Authority for their Preaching, and now take Licenses of the King ? While their plea was the same with the Apostles, that they ought to obey God rather then Man, we could bear with them ; but now we shall never abide them more. I pray Sirs, good words ! As Charity always thinketh the best, I see this will still thinketh nothing but evil. If it were the duty of the Non-Conformist Minister to Preach before his Majesties Declaration, it must be his duty still : and if when we have obtained such grace as this is, the Presbyter-*

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rian should not accept it, (when there is no more doubt of prejudicing our Ministry thereby, then the Apostles did theirs, when they had *leave* of the Masters of the Synagogues to *say on*), who would have fallen on the whole party so foully for refractory and perverse fellows, as these men? It is true, we look on Christs Commission to be enough for our Preaching when we judge it for Gods Glory; but to Preach *in such a place*, and in such circumstances, is, we count in the dispose of the Magistrate. The Magistrate hath the power of *external order*, and may forbid a man to Preach, I say *in such a place*, when he cannot forbid him to Preach; or else our Pulpits were our own still, for all the Act of Uniformity. The Presbyterians take Licenses of the King in reference to the *place* of their Assemblies. Nay this authority of the King in stating these places and Meetings for them, does incorporate them as *integral parts*, or particular fellow congregations with those of the Parochial constitution, into the *Church National*, united under him as the Supreme Head: which is a matter of that great weight and consequence, as we have not yet looked about us, to bless God enough for it. Hereby can the Non-Conformist make his publick acknowledgement (which he would have) of the

the Kings Supremacy in Ecclesiasticals no less then the *Bishop*, and yet his conscience not be burdened with the *Diocesan*. Truly I know not but his Majesty really hath discerned more for the hitting the business of coagulating his whole people into one Ecclesiastical National society or body under him hereby, then any of us were a warre of, who could not see before any reason for such proceedings as are taken in this Declaration, which we shall approve henceforth with a great deal of satisfaction. *But did not these men in the late Wars take part with the Parliament, and now they submit to the Kings Declaration against an Act of Parliament?* Be it so. The Act of Parliament is against the command of God: The King permits what God bids. Who should the subject obey, but God and the King? As for the *War*, I perceive it will still be ript up, though against the *Act of Oblivion*. It was not upon the account of Religion (it must be first known) that it will be owned. In the cause of Religion if we be persecuted, we may fly, Christ allows us, but we may not resist. The case then I account a singular case. *It was upon the Militia they began*, the old King said. The King and Parliament was divided that is certain, and the question was, where the Authority



rity (or the most of it) did lye? some thought in the *one*, some in the *other*, and so were engaged. I will speak now once for all, that the mouths of these men may be stopped with reason, for nothing else will do it. There are some have thought thus. The Government of this Nation is *mixt*. A mixt Government is where the supreme Authority is not placed *purely* in the *People*, or the *Nobles*, or the *Monarch*, but *mixtly* in them *all*. The supream Legislative power in this Nation lies in the King and his two Houses *joyntly*, not *severally*, as *one Corporation* (says Judge *Jenkins*) or to speak surely, as *one Parliament*. The Parliament which is to be *one in Law* being divided, the constitution is broken, that being broken, the Government is dissolved, and the power returned at that season to the people. The people being at liberty, many men of sober spirits thought themselves bound to go that way, which would most tend to the advancement of Religion. And this is the true state of their cause, which, though I my self in my judgement for my university Oaths sake was otherwise inclined, I do humbly offer, in Justice, for their Apology. Onely I must add this, that the occasion which happened once, that was the Kings own deposing his power of dissolving

solving the Parliament at that time, being like never to be again, there is no hurt at all in it. If after this, these men will yet press us further; I will return that the state of the case being quite altered, the King brought in again, and with universal consent, into the old constitution, here is a wonderful kind of thing fallen out, that the *Fanatick*, or *Anti-Episcopal* party of the Nation, are really turning to be the *Royalist*, who are for *Prerogative, & Supremacy in Ecclesiasticals*, when the Bishops party who have made it hitherto a proverb that *without them no King*, are the men bandy against it, for the maintenance of these Acts of Parliament. And thus much shall suffice as to the first thing offered by the Prefacer about Popery and the Kings Declaration.

Seet. 3.

I come then now to the other thing that requires our notice, which is a matter indeed of great moment, and therefore intended by me for the main task of my present engagement, and that is his asserting an *authority in the Magistrate over the conscience of his Subjects in matters of Religion*. So he hath expressed it, and made it the subject of two other Books, and insists upon it still in this

*Preface.*

*Preface.* I am willing therefore to enter into a dissertation with him about the point : for it will be worthy not only of our two labours, but of another learned, pious, studious and worthy Knight, who was the Author of the Papers entituled, *Liberty of Conscience* ; and whom I shall purposely engage with the *Prefacer*, that, if it be possible, we may all three together (will we, nill we) beat out the right determination of the business.

As for the *Prefacer*, I must needs say, that I take him to be a man of fewer years and quicker parts, and of a more flourishing Pen than to be fit, at least of himself, for the undertaking any such point as this is. For either a man must be of a patient complexion that can read over all that is written by others about the subject, and then give us the *Compendium*, according to his judgment : or he must be able, by fixing long upon one thing, and inculcating the thoughts of it upon the mind, to frame his own notion, in such a fore-casting of it through the whole train of its consequences to the end, as to make it hold together, which is not the work *unius Diei*, or *unius lituræ*, to use the expression of the Bishop offer'd to my hand. I know that the happiness of the first conceit does much, but it is not the nimbleness of the Pen,

Pen, and a torrent of words, does the rest. Nay rather it is this volubility of the tongue which is Truth's great Harlot, while the handsomness of the expredion will be ready still to allure away the judgment from that closer attendance to the *dry notion*, that *Controversal points*, or *Cases of Conscience*, do require; which should not therefore be writ in the style of this age. For the language particularly of this person, I cannot but compare methinks to a like present fashion in the Garments of Women, the superfluity of whose dimensions may perhaps make their bodies look more stately, but it will trip their heels up, besides the cumbersome, if they take not heed to themselves, or some other come after to keep them from falling. Well! the business this notable eloquent Gentleman hath to do in this *Preface*, is, for ought I see really, only to abuse the *Non-Conformists*, and so fasten upon them some charge if he could tell what, & against whom in reference to their loyalty or duty to the Government. But the charge being founded at the bottom only upon his first Book, or the cause he hath there managed, the best way to answer all his *particulars*, will be to let them quite alone, without raking the Dunghill up, and to touch only in *general* upon the foundation. There

There are two passages then I will cite out of this *Preface*, for there are no more I count of that nature, which I make my concern. *All their exceptions relate either to the Power in it self, or to the matters of the Command. The first are directly levell'd against the very being of Authority; and Magistrates, of what kind soever, according to their general pretences, must not dare to put any restraint upon their Subjects consciences, lest they invade the Divine Prerogative, overthrow the fundamental liberties of human nature, and undo honest men for their loyalty to God and their Religion. Now if this right be claimed without limitation, then the consequence is unavoidable, That Subjects may, when ever they please, cross with the authority of their Governours, upon any pretence that can wear the name of Religion. But this being grossly absurd, the necessity of a Sovereign power in matters of Religion, is granted, and all Arguments that prove it in general necessary to Peace and Government, are allowed, or at least are not contradicted: for what ever admits an Ecclesiastical Jurisdiction, howsoever bounded and limited, admits it; and that is enough to the first assertion of a supream Authority over the Conscience in matters of Religion. Again, after eighteen pages farther, And they are exhorted above all things*

to keep their Conscience (i.e. themselves) free from the usurpation of all human Laws, that is, in effect, they are forbidden to make any conscience of subjection to Princes: for it is only Conscience that is capable of the obligation of Laws, so that if they be exempt, the whole man is at liberty.

By these two passages it does appear to me, that this *Ecclesiastical Politician* from the beginning of his setting out to the end, does run all along in that confusion, as it will be hard to bring him to sorts. But it shall suffice me to offer two distinctions, which alone as I hope may serve to do this work, both of drawing him out of his darkness, and convincing others thereby of the injury of his accusations. Distinguish we then first between the Authority of the Magistrate over his Subjects in *matters of Religion*, and an Authority *over the Conscience* in any matters whatsoever. It is manifest in the very expression of his Title, and the customary language of his first Book, and of this *Preface*, That he does confound *Conscience* with the *Matters of Religion*, whereas there are matters of Religion wherein the *Conscience* may not be concerned, and matters wherein the *Conscience* may be concerned, & they be no *Ecclesiastical matters*. The second distinction

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on then is, between *Subjection*, which refers to the Authority residing in the Magistrate himself, and which is our duty in opposition to *resistance* or rebellion; and *Obedience* which lyes in the doing what he commands. It is apparent in the last passage how he confounds these two things, when the *making conscience of subjection to Princes*, and *obligation to the Law*, is belike all one with him in his present conception. But that there is a difference to be put between these two, it does appear undeniably from one consideration, that we are always bound in conscience to the *one*, that is *subjection*: but we are not always so bound to the *other*, to *obedience*. The things that are commanded may be sometimes sinful, or hurtful to the Commonwealth, and then it will be our duty not to obey them: or they may be idle, vain, frivolous, which we may choose therefore to do out of prudence, for fear of wrath, and to avoid contempt and scandal, when we are not otherwise to hold our selves bound in *conscience*.

## Sect. 4.

To begin with the former. *By me Kings Reign*, says Wisdom, and if they rule *by God*, it is fit they should also rule for him. *He is the Minister of God for our good*, says the Apostle. The Minister is to look to his Lords will; and the good of the Subject is not only their *Temporal* but *Spiritual* good. And if he be Gods Minister for our good, there can be no exemption of *Sacred things* any more then *Civils* from his Authority, under God, for the good of his People. And hence are we taught to pray for Magistrates, that we may lead peaceable lives under them in all *Godliness* as well as *Honesty*. Kings and Emperors (says *Grotius* from some other) are equally to take care of Sacred and Secular things: but onely when we come to particulars, it must be confessed that the *jus imperii* is more narrow in matters of Religion, then in other matters upon this one account, that the Divine Law does appoint or determine more things concerning Religion, and so takes them out of the Magistrates liberty, then it does concerning other matters. *In hoc Reges sicut eis Divinitus precipitur Deo serviunt in quantum Reges sunt, si in suo regno bona jubeant, mala prohibeant*



*prohibeant : non solum quæ pertinent ad humanam societatem, verum etiam quæ ad Divinam Religionem,* says Augustine, *Contra Cresconium, l. 3. c. 51.* The affairs of Religion I must say again are of the greatest concernment, and it is not fit Gods Minister should neglect his greater affairs, to take care only of the less. Besides there are no matters in the Earth which have so great an influence on Mens spirits to put them in agitation, as the matters of Religion : and if they were exempted wholly from the authority of the Supreme Governour, it would be a very hard thing for any mortal to govern at all. The Non-Conformists therefore deny not the authority of the King in matters Ecclesiastical. No, they may perhaps be rather accused shortly for acknowledging it too much, (as hath been intimated) seeing they do accept of his *Declaration*, nor do they scruple his Title of *Supream Head*. We distinguish indeed between a *Civil* head of the Church and the *Constitutive* head. The King we acknowledge the civil Head or Governour of the Church of *England* as well as the *State*, that is in whom the only *Supream Coercive* authority does lye over all persons in *Ecclesiastical* as well as *other* matters. But as to the *constitutive* head of our Church as an *Ecclesiastical*

organical body, it will be hard for those who own not the Bishops *jure Divino*, to assign. The National Church hitherto I took to be the Integrum of our Parochial Congregations, and the Pastors of all the Parish Churches in *England* virtually associated (for they are not *actually*) are I think the constitutive head of the Church of *England* under Christ, in that *external formal Government* of it, he hath committed to them. There is the *internal Government* of the Church, which belongs only to Christ and his Spirit, who alone can rule mens hearts : or the *external Government* of it. This external regiment is either *formal* which belongs to the Ministers : or *Objective*, which belongs to the Magistrate. The *Magistrate* cannot therefore by virtue of his Office enter into the function of the *Priest* to do his work, though he can make the Minister himself do it, and punish him if he neglect his duty. He can give a call to the Pastoral Rulers to meet and frame Ecclesiastical constitutions ; and when himself cannot make them, they shall not yet be obligatory to the subject, unless they have his Sanction. This external authority over the Church, which is *Objective* (that is, which is conversant about Ecclesiastical affairs, but does not exercise them, which is *Circa Sacra* not

not in *Sacris*, according to *Constantine* of old, *Episcopus τῶν ἑξῶ*) does differ from the *formal* (which is from Christ to us as his Stewards and Embassadors, and so to be put in execution no otherwise then as it is prescribed by him in the word) in this mainly, that the one is *Declarative*, that can *direct* what is Gods will, and *perswade* to it, and threaten only with reference to another world; but the other is a power to *make that our duty*, which it requires, and *enforce* it to be done by present punishment, that is, a power which is *juris Constitutum* and *Coercive*. There are two sorts then of things, which are subject to the Magistrates Power or Government. Things or actions *determined* by God himself in his word: or things that are left *undetermined* by him, as neither commanded nor forbidden. For the former, the Magistrates power does lye in his being made the *Keeper of the Tables*, having no authority to change a title of Gods Law; so that his work in respect of such things consists in *protecting* those that observe them, and *encouraging* such by *removing* what will hinder, and *promoting* what will *further* them in their duty: as also in his *discouraging* the Transgressor, by withdrawing the occasions of their sin, and *punishing* them for it. For the latter, the power of  
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the Magistrate does lye in his liberty to determine all such things as being before not determined, so as by that determination to make them our duty which were indifferent before ; to make it our duty, I say, to *avoid*, or do such things according as he *requires* or *prohibits* them for the common edification. *Hac five Sacra five profana sint* (says Grotius) *determinare in alterum partem jus est summæ potestatis.* Provided always that such commands as these do indeed answer that end ; For seeing power in the original, is derived from God as Supream Lord ; [*Thou couldst have no power*, says Christ to Pilate, *unless it were given thee of God*] : and it is given of God to none but for the *common good*, we are to conceive that the things that are commanded in *Civils* are for the good of the Common-wealth, and in *Ecclesiasticals* for our Spiritual edification, or else though they must be done, rather then we resist or suffer, they do not bind us in our *consciences*. The *will of God* that such a one should command, is I say, *power* in the root. This *will* is that he command nothing but for our edification, or the common good, [*According to the power given us of God for edification*] : If his command then be not indeed such, it is destitute of Gods authority, and becoming thereby a command

command in *foro alieno* (that is in *foro exteriori* onely), and in *aliena materia*, the conscience (whose *adequate* rule the will of God only is) must be left to its liberty. *The Body indeed is bound* (says Dr. Taylor), and we must suffer patiently the evil which we cannot deprecate: but Laws that are made to purposes beyond these measures do no ways oblige the conscience. He is the Minister of God for good, says St. Paul, otherwise he is not Gods Minister; and hath to other purposes none of Gods authority, and therefore cannot oblige the conscience to an active obedience, in such where the power is incompetent to command. *Duc. Dub. B. 3. c. 1. r. 3.*

Having then granted and stated one member of the distinction, I must come to the other, which is, that though the Magistrate hath an authority over his Subjects, in the matters of Religion as well as civil matters, yet hath he no authority for all that *over the conscience* of any. Conscience is the judgement of a man concerning himself and actions with reference to the Judgement of God. It is a faculty whereby we discern what is Gods Judgement of us and our actions, and there is no man must do any thing contrary to that judgement. If the Magistrate then have power *over the conscience*, in any thing what-

whatsoever, he must have power, either to make us change our judgement of that thing, and judge otherwise : or else though we judge thus, to do otherwise then that judgement ; that is though we judge that it is Gods will we should do thus, the command of the Magistrate shall make it lawful for us to do otherwise. The first of these is against reason, there is no man can make *himself*, to judge otherwise of a thing in good earnest then he does judge : and it cannot then be in the power of the Magistrate to make him do it, any more then it is in his power to make him fly in the Air, or live under water. This is so manifest, that this ingenious Author hath spoken enough of it himself in his first Book. The latter is against Piety, for to do the thing which I judge to be the will of God I should not do, because the Magistrate does command it, is manifestly a preferring the *will* of *Man* before *Gods*, that is, an *having of other Gods before him*, which is the sin of the first Commandment. The truth is, to go about the making of the *Magistrates will* to be the *rule of conscience* in any thing, let it be what it will, is manifestly to defloure conscience, to make that which is *peculiar* to God to be *common* with man, or *profane*. For *con-scientia* importing in the very word and thing, the judgment

judgement of **God** together with ours, it must be *his will*, and that alone must be the *rule* of it, and if any thing else be once made its rule, it is gone. If the Magistrate have an authority over the conscience in any thing, the reason will be the same for all. I mean, if I may do any thing which I judge contrary to **Gods** will (which judgement I say is my conscience), then cannot that be a reason to restrain me in another. The reason why I dare not commit Adultery, or do the like hainous crime, is because it is against my conscience, and if that reason be rendred insufficient, that a thing may be done, though it be against a mans conscience, there is an end of Religion. If the Magistrate have an authority over the conscience, then must the internal acts of men be subject to his Government, when it is **God** only that knows, and can rule the heart: But *Grotius* hath taught us well here. There are *internal* acts of men, and the *external*. Those acts of men (says he) which do *subiacere humano imperio* are his external acts only: and our internal acts can be commanded no further then they are concerned in the external. The inward acts of mans *soul* in general, and much less his *conscience* are not within his *cognizance*, and so not under his jurisdiction. If the Magistrate hath power over the

the conscience, then good and evil should be founded in *jure positivo*, and not in *jure naturale*: Then might he impose on us a new Faith, or new Articles in our Creed: Then must we have no Religion but his *Will*, and no God but *Leniathan* only. It is true that when the Magistrate commands me any thing for my good, or for the common good though to my loss, that thing is now become my duty; and as I know it is Gods *will* that I should obey such commands, I am obliged in conscience: and if this very nimble Gentleman, will but be contented with this interpretation, and declare that by the Magistrates authority over the conscience, he intends not either that he hath power to force the *judgement*, or the *action* against the judgement (when upon the last indeed it is he does in-trench), I may descend to the other distinction.

Sect. 5.

The second distinction then, that must bring some *light* to this young Doctors understanding, if he be not yet too old to learn, and *confutation* to his charge, which he so frivolously without any cause, & to no purpose, does advance against he knows not whom, may appear



appear with conviction upon himself from these words, speaking of the Non-Conformists exceptions, *which relate* (says he) *either to the Power it self, or the matters of the command.* If then he distinguishes well, the power it self and it commands, the duty or obligation that arises upon the subject, in reference to these which are two, must be distinct likewise. The force of it cannot be avoided, let him seem never so much to neglect it. He is pleased indeed, to say that we *exhort* people in effect to make no conscience of subjection to Princes, because we say that they are not always bound in conscience to their Commands; that is because we do instruct them so about the obligation of human Laws, as they may know they are not to make the will of the *Magistrate*, but the will of God alone, to be the rule of the Conscience. We do therefore here instruct them right, and that which this man would have, were to pervert them. He does discover plainly his ignorance of this distinction, and this distinction the vanity of his accusation. We are always bound in conscience to *subjection* unto the Powers that are, we acknowledge this, this, we Preach it, we Print it, and are ready to maintain it: but we are not always bound in conscience to *Obedience*:  
And

And God forbid that we should. If he could have distinguished these two things, he might have spared most of his labour. There is a Book entituled, *The Obligation of human Laws discussed*, which I Printed a year since; I must desire my Reader to get it (and bind it together if he can with this), for they are of two subjects that do enterfare very much; *The authority of the Magistrate in the matters of God discussed*, was the intended Title of this, but I could not Print it till this Preface now hath given me the occasion. I use the expression of Scripture *in the matters of God*, because I would include all matters wherein the conscience is concerned, as well as Ecclesiastical matters. Now I have in that Book laid down this distinction with one more, as the ground work of my determination of that point, and I have need to say a little more to prevent some cavil, which may be raised by this person upon my reproof, which I must also give him for the next words he uses, viz. *'Tis conscience onely (says he) that is capable of the Obligation of human Laws, so that if that be exempt, the whole man is at liberty.* I wonder at the Man for this; I do hate this pride methinks for being indocible and perverse no less then for being ugly. Pride is an overweening conceit of ones self with the contempt of others.

thers. There is nothing more visible than this filthy pride in this young man, and that Author who wrote the *Friendly Debate*, but only with this difference, that I judg this the more ingenuous or open, the other the more cankered and sly; I pray God forgive them both with all my heart. It is a base piece of immorality I am sure in either, that when they have to do with any such person as Dr *Owen*, of years so much elder than themselves, and who are not without some reputation at least with other persons, to use such contemptuous disdainful scorning language as they do altogether, which arising so manifestly too from the conceit and confidence alone they have of themselves, does declare them two such *Sons of the morning*, such a couple of proud Despisers, that until they do shew some repentance and *acknowledgment* for their fault, they do deserve really to be excommunicated out of the good thoughts of all men, that most deservedly otherwise do honor them never so much. Well! This man cannot it seems understand how he should be obliged *at all*, unless he be obliged *in Conscience*. He cannot discern belike between an obligation *simpliciter*, & the obligation of *conscience*. He cannot discern that the *conscience* which judges of our duty only in relation to

God

God is bound only by a *Divine obligation*, and that a *Divine obligation* may be distinguished from an *Human obligation*. Is it not indeed strange that a man of such quick parts, hath yet so little solid judgment? Is it not one thing (thinks he) to be bound to an action, because it is Gods will, and for fear of Hell, or Divine punishments: and another to be bound to it out of fear only of the Law, and to escape suffering? Does not the Apostle, when he tells us, *We must be subject not only for wrath, but also for Conscience sake*, imply this distinction, that there is an obligation then only for *wrath* sake, and an obligation out of *conscience*? And cannot this exceeding fine witted man by any means discern this? And will not he nor the *Debater* learn, though it be never so ingenuous for them to come here to some acknowledgment, that themselves as well as others may be able to live in this World under *Laws*, with peace to their souls? I do profess sincerely that of all the Books that ever yet I wrot, I am most pleased in my heart with that Book I now mentioned, as being a subject so needful for all persons, though it be the worst printed. I will supply some little I want in it in this place. It is this.

If this Author were a man of as much *judgment* as *wit*, he would not have laid down himself

himself so rawly, and excepted at the *thing*, but at the *terms* of the distinction which I have used with other Divines. For when Doctor Taylor speaks of the *Bodies* being bound, and I have said the *outward man*, in distinction to the *Conscience*, it must be confessed that these terms are taken from custom, and that it does fare with them, as it does usually with other School-terms, that they will not strictly hold the examination. The Law of man which binds the subject for *wrath sake* only, does so bind him to the external act, as the *will* to that act must be included; for to bind him in the *Body* without the *Will* were to put him in Fetters, but it is no *human* obligation. This I have said in my Book, and I add here, when I say, we distinguish not the *Will* from the *outward Man*, in the Obligation of human Laws, it must be conceived that the will is guided still by the understanding, and is supposed by some to be nothing else but the *last practical act* of it. I distinguish not then the *outward man* from the *inward* so far as the inward acts are necessary to that which is *external*, when I distinguish *both* from the *conscience*. There is the *understanding* (N. B.) that I shall *suffer* if I do not such a thing, and therefore I *will* do it, is one thing: and the understanding that I sin if I

do it not, and therefore I *will* do it, is another. The one is that our Divines mean by this term of the *outward man* still : and the other is the *conscience*. You may ask how comes it to pass that when there goes all this to an act the Magistrate commands, so that the subject in his *will* and *understanding* (so far as to do the thing) is obliged, we do yet call it but the *outward man*, or *forum externus*, and can distinguish it with all that, from the conscience? I answer, we call this the outward man upon this account, because it is the external acts only that are subject to the Magistrates Government, or can be required for themselves, and the acts of the *will* and *understanding* are not required, but indirectly in relation only to these external acts; therefore I say do we well call all this still but the *outward Man*; and this is distinguished plainly from the conscience, because a man may know that such a thing is not required of God, and that God will not punish him, though he does not do it, when yet he does know that it is prudent for him rather than suffer, and therefore *wills* it. In the one there is the external act with the *will* and *understanding* so far as that act is concerned: but so long as my *understanding* is that it is not *Gods will*, but *mans will* that I perform, such a thing

thing may be said to be done out of *under-  
 standing* (and *will* as well as by the *outward  
 man*): but not out of *conscience*. It is not  
 my knowledge of a thing, and that I am to  
 do it: but my knowledge that it is God will,  
 or my knowledge of his judgement of the  
 thing to be the same with mine, that makes  
 it *Conscience*. I think I am full enough now.  
 You may then object, that I sometimes seem  
 in that Book, to make the obligation of the  
 outward man to be *negative*, not to rebel; and  
 another time to be *positive* also to some act.  
 I answer, 'tis true that from the beginning,  
 I do make the obligation of the outward man  
 to lye in both these, a necessity never to re-  
 sist, and upon that necessity to act rather than  
 suffer. But interest of *fear* or self preserva-  
 tion, binds the *reason*, as well as the *sense*. I  
 say true, and that there is the *reason* then of  
 the *outward man* which is one: and the *reason*  
 of the *conscience*, which is another. When  
 my reason is the fear of suffering, because I  
 may not resist and therefore I *will*, it is my  
*outward man* is bound: but when my reason  
 is, that the thing hath Gods Authority, and  
 it will offend him if I do it not, and therefore  
 I *will*, then am I bound in *conscience*. A  
 human Law which is for the common good,  
 binds me from *reason of conscience*: a Law  
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which is unprofitable or against it , binds me only from the *outward mans reason*. There is Candour indeed to be allowed to this distinction (which I have intimated) as to most terms of Art , but they are not therefore to be left, both because of their constant use, and also for their profit , in the shorter cut which we get to what we would have by the use of them. Onely they are verily to be at once first thoroughly understood , and then shall all that which we signify by them be as compleatly represented with a word , as if it were drawn out in the *full expression*. That which I have to offer upon this , against the *Prefacer* and *Debater* who are companions in this cause, is this, that whereas they see no more , but to think that the stability of *Crowns* and *Scepters*, and so of all *Government* does lye in the Ministers , especially the *Episcopal Divines* , preaching such Doctrine as theirs, which is to lay an obligation upon the conscience of the subject to obey them in all things *indefinitely* , unless they be *apparently* forbidden in the Word of God , they are exceedingly mistaken: for if there were nothing else to support Sovereignty but that, the Kings Crown might perhaps stick no longer on his Head, then till the Parliament sits again, seeing we may then very likely have  
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more *Laws* that we shall make no conscience to obey, and yet we shall make conscience (God willing) of our *Loyalty* to his Majesty, and must do while we live, by the command of the Almighty. It is not the point of *Obedience* then, it must be inculcated upon which the Government of Kings is established: but upon the point of *Subjection*. Let me say it over again. It is not on the point of *obedience out of Conscience*: but on the point that we must obey, because the Magistrate *beareth the Sword*, and that *not in vain*, that the whole World is kept in Order. And also upon this point of Conscience, that whether we have cause to obey or not obey, we must however never *resist* upon pain of damnation. Let the Book before mentioned be herein further consulted.

And after this, there will be little reason for our *Prefacer* to talk any more of *exceptions levelled at the Power it self*, by any *Pretences* of the Non-Conformist against the Sovereign right of the King in the matters of the Church any more than of the State, for we own no such, no more than he, though the way of his expressing himself by *putting a restraint upon his Subjects consciences*, is so feat and grating till it be digested, and withal so wayward, that I cannot but point it to the

Readers correction, by what will hereafter follow. If he hath any thing then to charge us with, it must be in regard to the matters of the command, unto which therefore he proceeds. But then they say there are some particular things exempted from all humane cognizance, which if the Civil Magistrate presume to impose upon the consciences of his Subjects [He should say upon his Subjects, not upon the consciences of his Subjects, for the Magistrate imposes nothing but upon the outward man, requiring the external act, and the inward acts follow onely so far as they are necessary to the external], as he ventures beyond the Warrant of his Commission, so he can see no Obligation of Obedience upon them, seeing they can be under no subjection in those things, where they are under no Authority. Now this pretence resolves it self thus, that they do not quarrel his Majesties Ecclesiastical Supremacy, but they acknowledge it to be the undoubted right of all Sovereign Princes, as long as its exercise is kept within due bounds of modesty and moderation. Which being granted all their general exceptions, [Very fine, when we have indeed none at all!] against the sufficiency of the Authority it self are quitted, and they have now nothing to except against, but the excess of its Jurisdiction. So that having gained this ground,

[Mighty

[Mighty, to gain what never was with held!] the next thing to be assigned and determined, is the just and lawful bounds of this Power, which may be summed up in this general rule. That Governours take care not to impose things apparently evil, and that Subjects be not allowed to plead Conscience in any other case. This is the safest and most easie Rule to secure the Quiet of all that are upright and peaceable, and all that refuse subjection to such a gentle and moderate Government, make themselves incapable of all the benefits of society.

It is well we are come now at last where the water ticks. The Non-Conformist differs not from the Conformist in the main point that secures all Government that is *Subjection*: but it is in the point of *Obedience* only we differ. And here are two questions, The one is about the matters of our obedience in *general*, what is the rule, or the bounds that must be set to the Magistrates commands, that we exceed not our duty to God, while we are obedient to our Governours? The other is about the *particular* matters of it, whether the present impositions of Conformity do keep within that compass, and consequently are lawful or unlawful?

The latter of these is the pitch Field, between the Conformist and Non-Conformist.

and neither of us have a mind to enter into it. Only I will offer thus much by the way, The Conformists generally do hold that the things we differ about are indifferent, and consequently that they may be removed out of the Church by Authority without sin: The Non-Conformists say generally they shall sin if they obey them. What then is to be done in the case, but if my friend be *weak* and cannot indeed come to me, I must go to my friend, if ever I and my friend come together? Nay, if he be my friend, there is something too I must do else; I must part with something, if he need it, and which I can spare, to accommodate him with it; to accommodate with him by it. I wish heartily I might live to see a Law, that no man should have any more then one *Cure of souls*, so long as there are others no less able then they, who may take the burden off their hands. It was upon this account, because they wanted men of ability, that *Pluralities* were allowed in the Church at first: and when such men do abound, it is wicked to continue them. There is one dispensation only should be authentick for a Minister that fears God to have *two Livings*, and that is when he hath *two Tongues*. It is this damned hard Argument at the bottom, the Priests covetousness and corruption, and

and not their dispute about the *Ceremonies*, that really hinders our Accommodation. I know these sons of the *Horseleech* will never be contented with a *single portion*, whose voice still is *give give*: A *Dignity* therefore with a *Living*, may be allowed to answer their double *give*: but *one Dignity*, and *one Cure of Souls* should be all. If there be any will yet cry *give, give, and give*, they may be the sons of the *Aspe*, or the *Adder*, for the *Horseleech* her self must say she never had any such sons as these, *who enlarge their desire as Hell, and are as Death, and cannot be satisfied.*

The former is the question to which we must return, and we are indeed beholding to the Gentleman, for comprising his Books into the *Compendium* of this Rule. *The Governour must not impose things apparently evil: and the Subject must be allowed to plead Conscience in no other case.* For the examination of this position, I will ask in the first place who shall be Judge, whether a thing be *apparently evil* or not? The Magistrate judges it good, the Subject holds it notoriously evil. Shall the Subject take upon him now to controul the judgement of his Sovereign, and tell him that is evil which he calls good? *Who shall say to his Prince, Thou art wicked?* I am not sure what he will first say to this. In the next place,

place, suppose a thing not to be *apparently* evil, but thought indifferent by the Prince and his Subjects generally, and yet some person hath his reasons upon deep consideration that prove it evil. He is convinced in his own conscience upon these reasons. What will this Author judge now in this case? must he indeed forsake his *own judgment and apprehensions, and acquiesce in the determination of his Governour*? I know this Author speaks after this rate in his first Book: but I am out of doubt that he may never forsake his *conscience* (which is that present judgement) for any fear, command, or advantage in the World. Again, suppose a thing be really indifferent in its nature, and it is so to me in my *Absolute judgement*: yet there are cases in regard of the circumstances or accidents, that make it in my *Hypothetical judgement* to be sinful, what will he have us to do now? For instance, There are things to me indifferent, which yet are hainous in others, and I may scandalize them in my doing them by my example. It was indifferent to the strong Christian to eat of meats offered to Idols, who knew that an Idol was nothing, but to him that made conscience of the Idol, it was Idolatry: now for a man to whom this thing was lawful, to eat before him to whom it was Idolatry, becomes

comes unlawful, and he may not do it for conscience sake : *Conscience I say, not thy own, but of that other.* God commands, thou shalt not do that thing, whereby thy self or others will be lead to sin if it be done. The Magistrate commands thou shalt do such a thing : Who must be obeyed *God or Man ?* When a thing is evil by *accident*, and not *intrinsically* evil, if we can seperate the *accident* from the *thing*, we must do it : But if we cannot remove it from the accident, that accident makes it evil, and we cannot be obliged unto sin, by the commandment of man. In the last place, And why must a man be allowed conscience in no other case ? is it because he hath, or is to have no conscience in any cases but such ? Does not the Apostle require of every one in the case of indifferent things, that they be *perswaded fully in their own minds*, that they act not but in *Faith* ? Does he not tell us that if they eat before they are so perswaded they are *damned*, and that *to him who esteemeth the thing unclean, it is unclean* ? Does not the Apostle speak directly and purposely about things here that are not *intrinsically* and *apparently* evil, but matters of that nature, which are good and evil, according to the diversities of mens perswasions ? How bold is this man then to offer

fer us such a rule, which is directly to lead us if we follow it, ' against these plain Texts of Scripture, upon the hazard of damnation ?

*The just and lawful bounds* (says he) *of this power, have been already described* (viz. in his former Books) *as to the most material cases that can occur in human life, which may be summed up in this general Rule, before mentioned.* If this Rule then be the sum of what he hath offered in his former Books, it follows, that he being out in this rule, the substance of his Books must fall with it. But if this then be not the rule, you may ask what is ? It is easie to throw down, but the difficulty is to build. I answer, it is this is the work and business of my discourse that ensues, and to be presented best by degrees upon the occasion of what is offered also by another : yet seeing the Gentleman hath engaged me with this sum of his thoughts (which is I count ingenuously done, though he be out), I will requite him with the like, though I do some thing prevent my own intentions. I say then that this Author is so far mistaken in proposing this rule to the Magistrates power over mens consciences, that it is *Conscience it self is the Rule*, even the conscience which is in every particular subject, is the bounds and rule to him of what he must, and must not do, (how



(how far and no farther he must go), in all the commands of *Man* whatsoever. One would wonder to see what obscurity is cast upon Truth by words and Disputes. There are no Divines but will tell us that it is the will of God, or the Word of God that is the *rule* of conscience and the *adagnate* rule of it, as Dr *Sanderson* upon this subject; That it is Gods *Seat*, with the like expressions. And what is the meaning of this, but that Conscience is not, and cannot be under any authority that is human, but is subject to God only? and yet when we come to this point, and ask how far the Magistrates Authority does reach in the matters of Religion, they are not able to say, Thus far, as far as Conscience, even to these Confines, and it must go no farther. It is Gods Authority must be first, That of the Conscience next, and then the Magistrates. So long as the Magistrates commands trespass not upon conscience, they are within his proper Territories, but if they require any thing against that, they are gone beyond their bounds, and their Authority ceases. The truth is, there is but Gods Authority and *Mans* in all, and the conscience hath Gods Authority, which must therefore be over mans. There is no Determination almost in any point which hath been held of difficulty,

ty, which in the vertical turn is so plain, clear, and perfect as this. The Magistrate I say hath power over his Subject in all things, (N. B.) even in all things whatsoever in the Earth, that *he can do* (as to the *external acts* I have said), and the Subject may, or is to obey him in them, so far as his conscience will let him. Lo, here the true rule or bounds of Gods own setting in this business. In short, *The Magistrate shall command me in any thing, but my conscience.* And who will not be ready to say now that this is indeed that which they knew, and must wonder that they themselves did not make the Determination. Indeed how shall a man be subject to the Magistrate *for conscience sake*, if the command of conscience had not in it a Superiour and more prevalent Power than his? it would be for *his own sake*, and not for *conscience sake*, if his authority was greater than it. I know I have something here anticipated what is to follow, in giving my notion so soon, and at once, but I do it for this reason, because I know also it is the *dry light* at last, and that alone, that must be of force for conviction of those that will receive any, by controversie.

Sect. Gods.

## Sect. 6.

I must not yet leave this. There are things in their nature *indifferent* : and things *apparently forbidden or required* of God. There is no difference between us in the last, God must be obeyed in such things beyond question. *Duo sunt genera actuum imperii qui ad jus imperantis non pertinent, Deo vetita jubere, Deo jussa vetare.* For the other, there is a double case, The case of *mere indifference*, and the case of *doubt* ; That is, there are things which are indifferent in their nature, and appear so to us : and there are things indifferent in their nature, and yet appear to us unlawful. In the one case, the resolution is plain. To do a thing whereof I am *in doubt* (that is whereof I am not sufficiently perswaded, it is lawful to do) is forbidden. *Whatsoever is not of Faith is sin.* But the Magistrate hath not power to command me to sin. You may say I had better *obey* doubtfully, then *disobey* doubtfully. I answer, my doubt in the one refers unto *God*, in the other unto *Man*, and I must prefer God before Man. If I *disobey* I doubt that I do ill onely because of *Mans* command : but if I *obey*, I doubt I do ill, because of *Gods*. I must be resolved that God forbids not

not the thing before the command of man can take place. *I obey* then doubtfully : but *I forbear* in faith. *I believe and am assured that God hath not commanded the thing I forbear* : but *I am in doubt whether he hath not forbidden what I obey*. In the other case the resolution in general is, that we are bound to obedience, but it must be offered not indefinitely, but with the distinction of a Political and Moral Obligation. When *Samuel* tells the people the manner of their King, that he would take their sons for his Charrets, and Daughters for confectionaries, their Feilds and Vineyards to give unto his Servants : Here is a political obligation on this people to deliver their Children and Estates for the Kings use upon his command, because the Government was such in the Constitution that if he did so, they might not resist him for all that : when yet if any of them could save their sons and daughters, or goods without violence, or offending the King, no doubt but they might, and have a good conscience to God. A political obligation then is to be bound to the thing so as to do it rather than resist : a moral is to be bound to it so, as if we do it not, we sin : We are bound to obey the King in all his commands of things indifferent with a political : we are not bound to obey them with  
a moral

a *moral* obligation onely when they are for the common good. I have used other terms to the same sense in my other Book, and I am free in them being explained, but it may be these are less obnoxious to cavil. The *Eccllesiastical Polititian* therefore (and the *Debater* both, so far as he goes along with him) hath made a very grievous young Determination in this business, while he so confoundedly asserts that the Magistrate must be obeyed in all things *not intrinsically and apparently evil*, without any discrimination else whatsoever: whereas the holding this, is manifestly *impious* in one of these cases, and *tyrannous* or intolerably oppressive to the conscience in the *other*. There are some things indifferent I say in their nature, that yet to us are unlawful, while we suppose them unlawful, or are in doubt of it, and to do them in that doubt is sin: and there are some things lawful, but so inconvenient, so unprofitable, so grievous, that we should be loath always when the *outward man* is, to have the *conscience* also charged with them.

I know upon the whole matter, what it is that can mainly be urged. God commands that we honour and obey our Superiours. This is the duty of the fifth Commandment. When the Magistrate then does appoint this

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or that particular thing , an obligation to it arises upon us as part of that duty : and so the conscience is obliged by God , and that indefinitely in all Laws. I answer, the Reader who hath read my other Book with this thus far , will receive this instruction as one use of ~~the~~ whole, viz. how the duty which God requires of us in the fifth Commandment is to be understood ; and it is to be understood thus : When our Superiour commands what he ought, we are obliged by the Authority of that *particular command*, so that if the thing be not done we sin : when he commands what he ought not , as when a Law is not for the peoples good, we are obliged only by the *Authority* which is in his *person*, and so, if that be preferred otherwise, we sin not though the thing be left undone. And this is but what is ordinarily affirmed, though not ordinarily so well understood by our Divines , in their saying that the commands of men do oblige onely so far as to avoid *Contempt* and *Scandal*. A determination I must say, to be received onely in such commands, which ought not to be commanded : but not in such where the Superiour commands what he ought. I will express it if you will in other words. When the Superiour commands any thing which he ought,

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we are obliged *for conscience sake*, and the fifth Commandment requires us to do the thing, or else we break that command, because this thing bears in it the authority of both *Commanders* : when he commands any thing which he ought not, we are obliged for *wrath's sake*, and the fifth Commandment requires only that we do not *resist*, so that if we resist not, we give that honour and pay that duty to the Magistrate, which we owe in this case. If we suffer with submission, or obey rather than suffer, or avoid both the grievance and suffering with prudence, neither bringing contempt on his Authority, or inducing our Brethren to sin, we are to account that we answer the intent of this Commandment. I must add still that this is as much too as the Magistrate himself need desire in the Earth, seeing if he be strict upon it, and the thing be not sinful, he may make any body do what he please upon this account.

As for our Prefacer, it must be yet a greater reproof to his undertaking, that in this endeavour of his to set up an Authority in the Magistrate *over the Conscience* in all matters *External*, he is certainly fallen in with Mr *Hobs*, whom yet to avoid the *odium*, he is fain himself to confute. For when that more considerable person, according to his princi-

ples of Government, makes all men by nature before they come into society, to be in a *state of War*, that gives every man right to every thing: which right upon their agreement into a Common-wealth is given up (he counts) into the hands of the Sovereign to determine Propriety, so that his *will* thenceforth becomes the measure of *right* and *wrong* to the Community, he proceeds so far upon the conceit, as to condemn these two positions. *That every man is judge of good and evil Doctrine. That whatsoever a man does against his conscience is sin.* See his *Leviathan*, C. 29. Now let us compare this ingenuously as we ought (seeing else it is so bad) with other places in his Book. *That Subjects owe to Sovereigns simple obedience in all things, wherein their obedience is not repugnant to the Laws of God I have proved -- C. 31.* Again, *It is manifest enough that when a man receiveth two contrary commands, and knows that one of them is Gods, he ought to obey that, and not the other, though it be the command of his lawful Sovereign, or his Father. C. 43.* It does appear then, when the Ecclesiastical Politician does confine the authority he gives the Magistrate over the conscience to *external* and *indifferent* things, allowing the authority of the conscience over the Magistrates in things *intrinsically* sinful, and



and *expresly forbidden* by God, he does but the same which Mr. *Hobs* does also, if you compare them equally taking one place with another: But herein are they wicked companions both, that they should once offer to take away from reasonable Agents, a judgement of *private discretion*, in any concernment of *conscience* whatsoever.

One may easily indeed perceive what the Contents of this young mans papers do amount unto. He dare not take off all obligations of good and evil from mens consciences antecedent to humane Laws, as *Hobs* in that one place (though otherwhere, as it seems, he intended not so far) hath done: because this were not only the way to ruine Religion, but his name, and to bring all Government also to ruine, which he engages to assert. But he would take off all obligations from mens consciences, *in the whole business of Conformity*, antecedent to the will of the Parliament and Bishops, so as their Acts must be the rule of good and evil to us, as to these matters. He does tell us indeed of a liberty to our *Judgments* and to our *Faith*: but when he will allow us to judge and believe of these things as we do, and would yet have us account that the *publick conscience*, the *Laws*, and not the *private dictates of our own* must govern our outward actions, it does

bring to my mind one passage more in his Friend. *What if a Sovereign forbids his Subjects to believe in Christ? I answer* (says Mr. Hobs), *it is no effect, because belief or unbelief never follow mans Commands. But what if we be commanded to confess with our Tongues? It is an external thing, and no more then any other gesture, whereby we signifie our obedience, and a Christian holding firmly in his heart the Faith of Christ, hath the same liberty herein with Naaman. Leviathan. C. 42. There are no passages but this, and that one before cited, that in my reading over that Book, I observed to be so extream bad, as folks ordinarily talk: but this I noted for a Devilish Doctrine, seeing it is offered thus indefinitely; for it is directly contrary to all the Holy Martyrs belief and practise, and the expresse institution of our Lord, that he that confesses him before men, he will acknowledge, and he that denieth him, he will deny, before his Heavenly Father: Yet if any will be so kind to the old Gentleman as I have been before, to produce some passages elsewhere, that may confine his meaning here to such compliances of the Tongue and Knee only, as are required in the impositions of Uniformity, and no other but such, then shall the old Leviathan, and the young Leviathan agree very throughly in their*

their opinion. And why the *young* one should fall upon his *Sire* so foully as he hath done, whom above all men being alone of his side, he should have rather endeavoured to excuse, unless out of *shew* onely and for a *colour*, or out of *invenility* and *vanity*, he shall for me have the *Tripes*, or be the eighth man, who can give me a good reason.

I perceive indeed that two points, (and both of which I have had long in my thoughts) are harled together through the skein of this Prefacers Discourse, that is the *Magistrates Authority in Religion*, and the *Obligation of human Laws*: It will be expedient for me to dispatch the one quite out of my hands (being already done in another Book) to be at liberty to attend the other presently altogether. By what hath been then laid down, it may appear that the right and relation of a *Subject* to his *Sovereign* may be held good, when yet there are, it may be, some of his Laws not obeyed. Some Laws there are which a man must rather suffer or dye then obey, as the *Roman* Emperors commanding Sacrifice to their Gods: Some we are to obey out of conscience, such are all the wholesome Laws of a mans Countrey: Some there are that we obey out of prudence rather then suffer, which yet we do not judge our

selves bound to obey for fear of sin, or of  
 Gods displeasure. The great question then  
 arises what is that *rule*, according to which  
 the Laws of men are to be *measured*, that we  
 may know the *kind* and the *degrees* of their  
 obligation. This rule I have advanced in  
 my former Book, and I say that, in matters  
 of *Religion* the *Word of God* is the Rule: in  
*Morals* the *Law of Nature*: in *Politicals* God  
 hath appointed a Rule also as sure, and that  
 is, the *common good*. The Laws of the Magi-  
 strates, as the Sermons of Ministers, do carry  
 Gods Authority, and oblige the consciences  
 of the people so far, and so much, and no fur-  
 ther, or more, then they are *commensurate* with  
 their *Rule*: in the *one* of the *Word*: in the  
*other* I say of the *common good*. But who shall  
 be judge whether a Law be for the good of  
 the publick or no? I have made it my busi-  
 ness to speak to this at large in that Book.  
 Every man must have a judgement of private  
 discretion, to compare the matters which are  
 enjoined him with the Rule, in respect to his  
 own actions: or else he acts as a *Brute*, or  
 howsoever he acts, he cannot act out of *con-*  
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with his Rule. Note here, I do not resolve my *obedience*, but my *obedience out of conscience* into my private judgement whether the Law be, or be not, for the *common good*. And here I must say no more, because I refer you thither, where this is made my proper work: and I find nothing remaine (after what you have here and there), that is wanting in my mind, but the satisfying two Objections, as to the main Determination.

The one of them is this, If the common good be Gods rule in Politicals, then how may any Law which is not for the *common good* be obeyed? We may not obey any command of man against Gods rule in *Morality*, and in *Religion*. I answer, if a thing be notoriously against the *Common good*, so as to be destructive to it, we must suffer rather than obey such a command, for this very reason, as we dare not go against Gods Word, because it is our rule, and Gods rule must be obeyed, and not *Mans*. But if a thing be but a little against the common good, or no more then that the dammage to the publick by my obeying, will not be so considerable as my own suffering, then is it for the common good that I obey rather then suffer. And I observe my rule still; For though some things in themselves be against the common good,  
yet

yet may my obeying them commanded, be for the common good. And this is to be laid down, and supposed that in all ordinary and common matters it is better for all in general, or more for the common good to *obey*, then to *resist* or *suffer*. It is for my good, and the common good I will suppose, that I let the thing alone if I can help it, but if I must suffer if I do it not, the thing must be of great moment or detriment to the publick, or else it is for the good of most in general that we obey. It is certainly best if a Master commands any thing that will hurt the affairs of his House, that it be let alone, if the Boy or Man can escape without his anger or beating, and it is better the thing be done that hurts him a little, then that I suffer what hurts me more. This is yet most certain that a *Coercive power* is the hedge of all *Order* in any *State* or *Family*, which so long as that is kept whole, it is safe, and so far as that is infringed, and that only, it verges to ruine.

The other may be offered thus. The common good is not the end *alone* of Government, but the honour of the Magistrate, and the Glory of God are *ends* also, which are served by our obedience, and therefore we are bound in conscience to the *Laws*, unless they be against the Law of God, whether they be  
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for the common good or not. I answer, the foundation of this supposition is upon a great mistake in Policy, which is that all Societies are formed by *Contract* between the Governor and Governed, wherein both parties have their interests to secure, which lays the leven of Civil Wars: Whereas if it be placed in the mutual agreement of the people themselves in choosing their Governour and kind of Government, as they judge best for their general advantage, this, supposing it agreed at first to be *absolute*, secures it for ever being set up, and answers the end of the institution. *He is the Minister of God to us for good.* I do not like therefore the making any more then one end of *Polity*, as of *Medicine*, and *Theology*. The *honour* of the *Ruler* is but part of the *bonum commune*; and is to be distinguished from it no more then the *wealth* of the *Citizens*. The good of *one* is the good of *both*. And as I like not the making Gods Glory; and Mans Salvation two ends of Divinity, for perplexities that have risen from thence: so do I account that the glorifying God in the common good of the *pars imperans* & *pars subdita*, which both make up the Commonwealth, to be *one* end of Politicks: and the Glorifying God in mans Salvations to be the one end of Religion. Let every *Art*,  
*Science*,

*Science*, and *Profession* be distinguished by its proper *Object* and *End*. I must say then after this, the Magistrate is honoured in our *subjection* always: in *obedience*, when his commands are for the common good, for *conscience* sake: when they are not, in our obedience only for *fear*, and rather then *resist*: or in taking heed of any *contempt* or *provocation* of him, if we leave his commands undone. So I conclude, If any receive the information I have brought him, let him give God the thanks: if any receive it not, the wrong will be to himself, he shall do me no hurt.

*Seet. 7.*

And thus am I glad that I have had opportunity to say all I had need, and desire, in reference to the subject of my other Book, which the *Prefacer* hath mingled with the subject of this. I shall now apply my self wholly to the present Theme. *The Magistrates Authority in things Sacred*. I will begin as it were to discourse of it afresh, as if I had yet said nothing of it; and there are two Books come out some few years since, which do seem to me to offer something (both in their kind) very remarkable on the subject. The one of them owes its birth to the Author of this *Preface*, (who hath another also to the

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the same effect), which I shall only name again in my way, (having been too long engaged with him already) as being in an *extream* on the one hand, while he gives not only a power to the Magistrate in Religious matters, which is well, but a power *over the conscience in Religious matters*; The other has a person of honour, and a worthy Student for its Author, who hath proposed a state of the question with some more mature thoughts, and peculiar notion, which affording me a ground work, for further disquisition, hath given me both the *rise* and *ability* to carry the point on to a full Determination. And this Gentleman I count hath given too little to the Magistrate on the other hand in the *matters of Religion*, but hath gone to make it up with giving him too much in *Moral* and *Civil* matters. I must be forced to tell this to my ordinary Reader, who else would perhaps hardly believe that it is I, who stand for *Liberty of Conscience*, that grant the Magistrate his due power in things *Sacred* as well as *Civil*: and it is he, is not tender enough of it, when denying him what is his due (the use of his Sword or power) in things Religious, he hath left him without a rule or bounds to his commands in *other* matters. If I appear to drive on my purpose in this, and other of my  
Books

Books more *dryly* and *scantily*, then in a Subject or Subjects so *capacious* might be expected, let not the Judicious Reader impute that to me as a fault, which is a thing so much to be wished in the writings of others, that I do single out the *ὑπόμνημα*, the main thing altogether which is to be sought, and I do by no means deflect from it, leaving whatsoever else the matter may lead to, as more copious, and where none of the knot lyes, to the Volumes of others.

SECT. 8.

¶ The first of these Books then, is, *A Discourse of Ecclesiastical Polity*, the design whereof, as to the substance, consists in the giving a *Superiority* to the Magistrate over the *Conscience*, that in all *doubtful* or disputable cases, *viz.* in all matters in their nature *indifferent* (he means according to his Scope, in all matters now in difference between the Conformist, and Non-Conformist) a man must account according to that Authours opinion, that if he act against the dictates of his conscience, out of obedience to the lawful Magistrates commands, he does but as a Christian, and is justified by him in the doing. A Doctrine that I take to be not only new and Heterodox;

terodox; but dangerous to Religion, and the opening a door to the pleasing of man and seeking preferment, above keeping a good conscience before God. In things *apparently* and *intrinsically* evil, he grants that the Magistrate is not to be obeyed. But how can this stand on its foundation, if conscience had not certainly an authority *over* the *commands* of the *Magistrate*, and the authority of the Magistrate *not over* conscience, as he speaks? There need no more proof that conscience must have the superiority in *every* thing, then to yeild it in *any* thing, seeing it is the conscience of every particular person is the judge to him of what God has forbidden; and the command of God must take place of the command of men in all things alike whatsoever. If this eminently accomplished young Divine then be not too proud to take it kindly, I would help him out here, according to the best that I think can be done. There is the conscience of the *universality*: and of *particular* persons. When he says, the Magistrates Authority is over the conscience, let us understand his meaning to be onely as to the conscience of such particulars, which in some sense may be granted, while he passes any Law upon the account that it is *according* to the consciences of the *Generality*, notwithstanding

standing it proves *against* theirs. And then whereas he speaks often to this purpose, that the conscience being in *doubt*, a man should in all matters indifferent make the *Law*, or *will of the Magistrate* his rule; Let us understand him favourably, that he means onely when a man is satisfied in the main of the thing that it is lawful, and there remains only some scruples that are fit to be shaken off; in which case Divines I think do ordinarily advise it to be safest to obey the Law. But this is to be known also, that the conscience is not to be accounted *doubtful* in this case, but *satisfied*; and troubled only as the Travellour is with the *Scruples* the gravel in his Shooe; which he throws out and walks on; whereas if his feet be really wounded, and he does so, he may be undone. That this may be the better relished, I will entreat this person to take good heed, onely to a certain Book, which is another such a one as his, and came out then, and I suppose he likes well, a Book entituled *Toleration discussed*, where he may read these passages for his instruction; *Am I to believe every thing to be indifferent, which the Magistrate tells me is so, though it be wicked?* No, he answers, (*Sect. 21.*) *You are bound there by a Superiour Law, and to your self you are Judge.* Again, *I am so far* (in another place)

place) from advising you to renounce your reason, that on the contrary, I would have you absolutely guided and concluded by it: and only to obey for quiets sake, so far as you can possibly obey in conscience. Again, *The Magistrate is a publick Minister, and his Commission reaches not to particular consciences. On the other side, there is a little reason for any ones private opinion to operate on a publick Law. So that if I mistake not, we are upon accord thus far, That every particular is to look to one, and the King to the whole. Again, The King is accountable to God for the welfare of his people, and you are accountable to God for the good of your little particular. If you cannot obey the Law, do not, but abide the penalty. And finally, when he hath ballanced all the interest he can for the Law, with this alone of Conscience, he hath the same cloze. And yet I say stick to your conscience. I do cite these passages with pleasure, to see a reverence to conscience in the heart of the Gentleman who wrot that Book, and that meerly out of conviction, when the Divine who wrot this Discourse of Ecclesiastical polity hath so carried it, as if in the whole matters which are now in agitation between all parties in the Nation, the Magistrates Authority alone should satisfie every body. When the Dictates of a private conscience (says he) happen to*

thwart the determinations of the publick Laws, they in that case loose their binding power, with several passages to that purpose, which is certainly a fair beginning (as is intimated) for the making the Rulers favour, and a mans own advancement, very quickly all his Religion. The Magistrate then (which I offer, as what himself, and this Gentleman intends) in the passing any Law, the matter whereof is against any of his Subjects consciences, is to be conceived to go by a Judgement on the *Generality*, and those Laws to be supposed according to conscience, because they are according to his own, and those of the generality, when else they could not be passed without sinning against God. In the mean time every particular man for himself is to obey onely with subordination to his conscience, and is not to have Ghostly encouragement, to go against the D<sup>e</sup>clares of it, upon any score. Which as it may serve for the information of the *Divine*, who will receive it perhaps from such a hand, when he would not else from mine; so may it give me occasion to ask the Gentleman two questions: The one is, what if any such things should again come to be put in a Bill at the House, which the King does believe really is against the conscience of the *Generality*, or of such a particular number at least,

as is fit and necessary for him to take cognizance of them? Can he pass such a Bill in point of conscience? The other then follows, whether the pressing this Nation in the main to *Conformity*, is not really such a thing at this season, when the generality are so divided in their opinions? I require here no more candour in the Gentleman then what he hath shewen in that last work. Who as I found him a lover of learning and reading in these present deboshed times, should not escape any praise (notwithstanding others *odium*) for his industry and sufficiency, (especially as one of the Laity) if the *design* of his writings had been but as commendable as the *example*.

### Sect. 9.

The other Book is, those papers entituled *Liberty of Conscience*, which are of another complexion, and moulded with no less ingenuity of *matter*, then the other in *expression*. I am very well satisfied with the fulness, aptness, and conviction of the arguments for that Liberty I read there: nevertheless I do apprehend the main state of the very point, does require farther ventilation. If I do provoke that Learned and excellingly worthy person by this means to write again on this Subject,

I shall (I think) do the World some service, and perhaps bring more light to my own understanding.

The substance of the whole in his stating this business, I take it comes to this; *The Magistrate is the Officer of God to see his will executed, which under the Gospel he must do in that manner God hath appointed; and therefore he must not use the Temporal Sword in the concerns of Religion.* In this Position thus laid down, I must confess I judge there are some clouds, but not without Truth under them. The clouds are to be removed, the truth maintained, and that liberty which is irrefragable to the conscience, must not be lost.

In the first place therefore, There is a distinction among Divines, which is the foundation this Gentleman goes upon, that he hath drawn beyond the Staple. This distinction, if you consult their common places on that Head *De Magistratu*, you shall find made by these two questions: *Whether the Magistrate is to take care of Religion? Whether he is to compel his Subjects to it?* And when the former generally is granted, the latter is denied. This studious person, it is like, meeting with this hint in some of his Books, hath suffered a deception into these thoughts, that the Magistrate therefore hath indeed something to do about



about Religion, but he is not to *use his Sword* about it. For the making his conceptions out, after he hath ingenuously offered three opinions as extremes, in some that make the Magistrate the sole judge of all matters Spiritual and Temporal: in others that affirm the like power but to be exercised in Spirituals, in a perfect subserviency to the Clergy: in a third that make him have nothing to do but in civil matters only, he does endeavour to find himself a middle way, wherein the Magistrate shall have his *something to do* (as he speaks), and *not all to do* in these matters, & then offering his notion of what *that something he hath to do*, is, which is to be the great Officer or Minister of God upon Earth to see his will. which in Religion he accounts only what he hath revealed to be put in execution, he does put in for the reserving that Liberty, which he would assert for the Conscience, that under the Gospel he must do this, in the manner also that Christ hath appointed, and so not by the temporal Sword. A great mistake! The office it self of the Magistrate is to bear the Sword, and by that to act or effect what it has to do. Where a person hath no power of Coercion, he acts not as a Magistrate, but as another man, and to say he may not use his Sword in the concerns of the Gospel, is all one as to deny him any Authority,

thority, any care, any concernment about Religion at all. The *Sword* says *Bracton* does signifie *poteſtatem Regni*, and this muſt be laid down for a truth undeniable, that unto whatſoever the Power or Government of the Magiſtrate extends, his *Sword* muſt. What he can command, he may compel : and where he cannot compel he cannot command. It is in vain (I mean) to talk of *rule*, if he have not power to puniſh when his command is not fulfilled. The meaning then of our Divines by their diſtinction at firſt, is, that Faith indeed cannot be conſtrained, and ſo men are not to be driven into Religion by force, but yet that the *care* which the Magiſtrate is to have, for maintaining the true Religion being received, is *Authorative*, and to be managed, not *precario*, but by his *Sword*, is with them alſo out of queſtion.

In the ſecond place, Here is a difference ſeems to be put between the Law and the Goſpel, as to the Magiſtrates ſeeing Gods will executed in the manner he hath appointed : whereas that *manner God hath appointed in ſeeing his will performed*, is only that his Officer ſhould act agreeably to the light of nature, or right reaſon, in applying ſuch means as are proper to that end, whether under the Law or Goſpel. For Magiſtracy it ſelf, and the manner

ner of its actings both, so far as concerns Gods appointment, we are to consider does derive from *Nature*, and not from *Positive Institution*. By the manner which Christ hath appointed under the Gospel, he must either mean something in *opposition* to the use of the Sword : or *not* in opposition to it. If something in opposition, it must be as much as if he had said that the Magistrate must see Christs will executed by some other way then the use of his Sword, whereas there is no other way or manner *quâ* *Magistrate*, he can see any thing done. The use of his Sword is nothing but the using his Authority or Office, which I have said just now, and that he cannot act *as a Magistrate* any otherwise. If he mean something not in opposition hereunto, then cannot his consequence be valid, that the Magistrate must see Christs will done, *only in the manner he hath appointed, and therefore not by the use of his Sword*, seeing the causing it to be done in *Christ manner*, and the *use of the Sword* will stand together. And what is it then indeed he means by this *manner Christ hath appointed*? I turn to his Book and apprehend by this *manner* he understands nothing but by the means and Ordinances Christ hath appointed. The people are to be brought into Christianity and obey the Gospel, but it  
must

must be by preaching, and the use of the like means; for *Faith comes by hearing*, and by force a man cannot be made to believe. Well now the Magistrate is to see the *means* Christ hath appointed to be *used* for the setting up the Christian Religion, therefore he must not use his Sword to this end. I answer the direct contrary does follow, therefore he may use it, seeing by his Sword or Authority it is that he must cause these means to be administered. It is true the *will of Christ* is that the people believe in him, and obey him, but it is not his will that they should believe in him without the use of the means. *How can we believe without a Preacher?* when the Magistrate then here is to see his will executed, the meaning is, he is to see the means used, that the people may be brought to believe and obey him, and to this purpose he may and must use his Sword, if there be occasion for it. He may and must punish the Minister and others, if they neglect to do their Office.

In the third place, this position seems to put a difference between the matter of *Religion* and *other matters*, in reference to the consequence inferred; *viz.* as if the Magistrate acting in seeing Gods will executed in no other manner then God does approve, must not use the Temporal Sword in *Religious*, when he may

may in *other* matters: whereas there is a difference indeed to be put between Things and Things upon this account (for some things come not within the Verge hereof, and some do), but these Things and Things are not rightly stated *Religious* and *Civil* matters. This cloud doubtless arises from hence. In regard that in matters of Religion the Conscience is supposed to be concerned, when it is not ordinarily in other things, therefore are Religious matters conceived as reciprocal here with the whole matter of conscience, wherein indeed the distinction does lye, which is to be made in opposition to other matters.

The fourth cloud is upon the consequence it self. It follows not from the Magistrate acting in no other manner then God approves in the seeing his will performed, that he may not use his Sword in the concerns of Religion. The King of *Ninive* Decrees a fast in honour to the true God, not to be neglected we may be sure without punishment by any. *Nebuchadnezzar* Decrees that no body speak amiss of the Jews God, under the pain of being cut in pieces. *Artaxerxes* gives Commission to *Ezra*, that *whosoever would not obey the Law of his God, judgement should be executed, whether unto death, or unto banishment, or to confiscation of goods, or to imprisonment.* Indeed these

these Princes being Heathen, who believed more Gods then their own, are not to be conceived to decree any thing hereby against their proper Religion, or the consciences of of the people upon whom this is imposed: but for the use of Sword, in the matter of Religion, as in other matters it is express in these instances, to pass by what may be heaped hither from the Kings of *Judab*.

The last cloud or clouds then follow, that having had difference made there where it needs not, we have indeed no difference made there where it needs. For besides that when the Magistrate is said to be Gods Minister to see his will in general to be executed, it ought to be laid down with restriction to mens outward acts only, and a *salvo* to his power constitutive of duty in indifferent things, there are moreover these two Distinctions mainly lacking for the determining this matter; and which are the groundwork of the whole Exercitation.

The one is, that whether things be Religious or Secular, under the Gospel or under the Law, we must distinguish between those outward acts which are *against mens consciences*, and those that are *not against them*. This is the chief thing to be held fast. In such acts which are against mens consciences, it is true,  
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and a vehement truth , the Magistrate acting in that manner, God hath appointed cannot use his Temporal Sword. It is not agreeable to the Law of Nature, or rule of human reason, to work upon the conscience with outward force , and the manner God hath appointed the Magistrate to act in (as was said e'en now) is no other but to act agreeable hereunto. Yet is not the reason for this, upon which I choose to stand here, so much, from the *manner* wherein the Magistrate is to act (least that alone be to infirm to bear the stress is laid upon it) : as from the *matter* he is to see done. That which he is to see performed is Gods will, and I say that those acts (these outward acts he were otherwise to see done) which are against mens consciences, are the matter of his *forbidden will* ; and so must he let them alone ; But as for all other outward acts of men, which are not against their consciences , Let the Magistrate see that what he requires be for the good of his people, either for their Spiritual or Temporal good, (as whatsoever he requires , which is not against Gods Law , we may conceive like to be) , and whether they be Religious or Civil, he is under the Gospel as well as under the Law, Gods Minister , and beareth not the Sword in vaine.

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The other, distinction which must not be forgotten does lye in the difference, I put between a forcing men to that which is *against* their consciences : and restraining them sometimes from that which they think they are *bound* to do. The one of these may be lawful, fit, reasonable, and without which the Government it self can hardly be secured : when the other is never to be held so , upon that one reason mentioned, and is irrefragable. Here then are two Questions in those ingenuous Papers, proposed to the life, as the sum of what could be desired if they had but been directly answered when proposed : The one is, *How far men must be suffered to do those things which they say they are in conscience obliged to do ?* The other is, *How far they may be commanded and enforced to do such things, which they indeed believe and say they are in conscience obliged not to do ?* The substance of these Questions the Gentleman I perceive took to be one, and so passes them off. But as the putting a difference (I account before) as to some things which (in relation to what is asserted) admits none : so must the confounding that here, wherein the difference being put is so much to purpose, needs lead him into darkness. To these two questions therefore I answer, instead of those Papers.

As to the former, which is the case  
only



*only of restraint*, I doubt not but men may and ought to be restrained often times in many things, unto which they think themselves to be obliged, and that for this reason: Because that although God does require every man to act in whatsoever he does according to his conscience, yet he requires not in every thing that is according to his conscience, he should act. His conscience may be *Erroneous*, or the thing not *expedient*, if *lawful* to be *done*. Again, the Magistrates conscience and his are two; He may think he is bound in conscience to act (suppose in preaching seditious Doctrine), yet if upon restraint he acts not, his conscience cannot accuse him of sin, because he cannot help it, and the Magistrates restraining him is good, and thereupon he does it, for avoiding the evil that would follow if he should suffer him.

As to the latter question, which is the *case of constraint*, viz. the constraining of men to do any thing which is against their conscience, I say the Magistrate hath in that case no Authority, and that for this one reason, which is to be insisted on to the last breath of these Papers, viz. because, this is manifestly against his Office or work, who being to see *Gods Will* performed, does hereby directly endeavour the contrary. His *will* is the man should never  
act

act against his conscience whatsoever comes of it, & he is forcing him hereunto. Let me add, **Either** the conscience of a man is in an error: or it is in the right; If it erre not, a mans conscience is as God to him, who can say a word against it? If it be erroneous, I say Gods *will* lyes in both these things: that a man should not do against his conscience, because it is his conscience: and that he should not do according to his conscience, because it erres, but that he should lay down his error, and so act. And this is the meaning of that which Divines do say, that such a conscience does *ligare* not *obligare*. The Magistrate accordingly may not compel him to that which is *positive* to act against his conscience: but to that which is *negative*, viz. not to act according to it: and if he do, and do wickedly, no doubt but he may punish him for it. And so having offered you my Determination, I am glad I can confirm it and that with two testimonies likewise, most of sufficient credit. The one is St. *Austin* in his second Book, and Chapter 83. against *Petilian*, who pleading the unlawfulness of compelling them to Religion, *Austin* answers: *Ad faciendam quidem nullus est cogendus invitatus, sed per severitatem solet perfidia castigari: Si quae erga vos leges constitutae sunt, non eis benefacere cogimini, sed malefacere prohibe-*  
mini;

*mini ; nam benefacere nemo potest nisi elegerit.*  
 The other is *Grotius*, who letting nothing almost escape him, which is momentous in any Author, hath fallen in upon this very quotation. *Suspensio pede hic incedendum, ut illi qui Divine Humanaque ordinationi resistent, non tam cogantur benefacere, quam malefacere prohibeantur ; Quae duo in hoc ipso argumento Augustinus olim provide distinxit. De Imperio summarum potestatum circa Sacra. C. 6. S. 10.*

There are two Notes I must leave farther ; The one is that when I have laid down my two distinctions for the determining this point, you must take heed of going away with one of them. I know *S. Augustins* seventeenth Chapter in his second Book against the second Epistle of *Gaudentius*, hath this Title, *quod ad veritatem cogendi sint etiam inviti*, which he makes good with these two instances, of the King of *Ninives* commanding his people to repent : and the Servants compelling them to come in to the Feast under the Gospel. But neither of these Commands I hope (and as I have said) are to be supposed against the consciences of the one or the other, but only they were unwilling and negligent, and so had need of importunity and enforcement. I deny not therefore but the Magistrate hath power (N.B.) of *Constraint* and *Restraint* in the mat-  
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*ters of Religion*: but I say he hath not power of *Constraint* in matters *Religious* (or other matters) which are *against a mans conscience*. The other Note is, that when I have distinguished between *Restraint* and *Constraint* in the matter of *Conscience*. (not in the general matters only of *Religion*), it does not seem to me safe to descend to particulars, what is, and what is not to be *restrained*: but in general the Magistrate may use a due restraint when he hath reason, and it is not fit he should restrain any when he hath none. There is reason the Magistrate should restrain a *John of Leyden*, and *Knipperdoling*, when he hath indeed none against a peaceable *Owen*, and honest *Kiffin*. The *Roman* Emperour may have cause in general to take heed of innovation, and yet have no cause to disturb the Christian, of whom *Pliny* wrote to *Traian*. By this means shall it not follow either that Christianity should be ever kept out of the World, or that when Religion is established, it must be overturned again by faction: but that such a liberty only be allowed to conscience, as is consistent with the Articles of Faith, a good Life, and the Government of the Nation.

## S E C T. 10.

Suppose we now then a Magistrate desirous to bring his People to a Religion, or to a Uniformity in that way of worship he himself best approves; What may he do therein? The first thing he may and is to do, is doubtless to take care that the people have Instruction; that the Word be preached, and such means used which are proper to convince their understandings, and satisfy their consciences, that they may submit to it. This is the chief I count he is to do. In the next place he may and is to cause all those *impediments* to be removed, which may obstruct them in the reception of this Religion. So *Cyrus* by his authority repressed the *Jews* enemies, and made the way open for their return, and rebuilding *Jerusalem*. In the last place, the Magistrate may tender all the encouragements and advantages (with a restraint of the same to the refusers) that he can possibly, to win them over to the way he conceives good for them. When he hath gone thus far he must make a stand, and consider in good earnest whether that which he would impose, be

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against

against their Consciences or no. If it be not he may proceed to lay his Injunctions upon them; whereby an obligation does fall upon the conscience (supposing the thing reasonable, and for the common good) to do what his will is; and if they do it not hereupon, he may by the infliction of punishment (that is by his Temporal Sword) enforce them to a due obedience: In summ, He may do all and the very same in the concerns of Religion, as he may do in the other concerns of his Kingdom, upon that supposition.

But if it be against their Consciences, he can proceed no farther. He cannot lay any obligation on the Conscience, which is contrary to that wherein it stands bound already; and where he can lay no obligation on the conscience, he cannot *ex imperio* command; and where he cannot command and oblige the Conscience (as human law does bind it, which how, and how far it does, is stated in my other book), he cannot justly punish the man for not doing that which he was not bound to do. So that we see here where the Magistrate must not use his Sword, even while he is using it, and acts not as a Magistrate but by it. He acts by his authority or sword, in seeing the means used,

used, helps administred, obstacles removed. He can, and may force others ( whose duty it is ) not to be wanting in this, when he cannot then enforce the end to which he causes these means to be used. He cannot ( I mean, he ought not ) punish any man only because his Conscience is not wrought upon by the means which he has used, and so does not what he would have him. In this case, it is not he, or the man either can help it, and he may as well beat his Dog for not whistling.

Upon this account, there is very good reason that regard be had so much the more to things that are not attainable without supernatural help, that they be not enforced as other things. So that we are to understand well after this, that the distinction between ~~the~~ Religious and Secular things, in reference to the Magistrates Authority, or using his Sword, is for all what is before said, to be held so far as it will reach : but that is only to a *majus & minus* of his Care, not to the specification of the state of our business. My meaning is, that in things not Religious, but Moral only, or Civil, the Magistrate is more free as to his commands, and using his Sword than in matters of Religion ; or

he is to take more care of what he imposes in the one, than he need to do in the other : but that will not advance to the stating the point hereupon, that he hath Authority, and may use his Sword in *Civil* and not in *Sacred* concerns. The King under the Law was to have the Book of God by him to this end, that he might govern the people according to it, and consequently use his Authority in the things of Religion : And so *Jehoshaphat* ( to name no other ) appoints his Officers for the doing justice in the *matters of God*, as in the *Kings matters*.

This Proposition, The Magistrate may use his Sword in Civil, but not in Religious affairs, is not a true Proposition, and therefore can determine nothing. And this Proposition, The Magistrate is to take *more heed* how he uses his Sword in *supernatural*, than in *natural* or *civil* concerns, is a true Proposition, but not a sufficient determination. The main Question still remains. What are those things wherein the Magistrate indeed hath no power, or may not use his Sword ? Upon the knowledge of this must the stating the business depend ; for when we know in what things he *may*, and in what he *may not* use his Authority,

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the matter is at an end. Here are we now therefore to think upon it, what are those *reasons*, why the Magistrate is to be more careful in the use of his power in *Religious* than in *other* matters, and if it be any where, it is like to be there that we shall find a bottom to determine the main issue. To know these reasons, look whatsoever difference there are to be made between *Religious* and *Civil* matters in respect to the Magistrates using his Sword about them, and they must be these reasons.

The first difference then between Religious and Civil things, that may be offered as a reason why the Magistrate is to take more care of using his Sword in the one than the other, is, That Religious things are supposed to be of supernatural Revelation, which cannot therefore be known and done without Gods grace, and it is not fit the Magistrate should punish a man for the want of that which God does not give him: When in Moral and Civil things he hath the know ledg of them only by Nature, and the practise of the Realm. Now then if this will serve to determine the Question, the Proposition drawn from it must be this: That in all matters that

are of supernatural Revelation, the Magistrate may *not* use his Sword, but in all other he *may* use it. But this Proposition is alike false with the first, That in all Religious he may not, and in all Civil he may. The Law given by *Moses* was by Revelation, but the Magistrates might punish the breakers of that Law. The Gospel is by Revelation, but the Magistrate may punish those that keep from Church out of Irreligion. The example of the man that was put to death for gathering Sticks on the Sabbath, is a president uncontrollable, that a man may be punished for his Presumption, when he may not for his Conscience, in the matters of Religion.

The second difference between Sacred and Civil affairs, which may be another reason why the Magistrate is to take more heed as to the one than to the other, is, That the World cannot be governed without the exercise of his Authority in Civils, when if the world were without all that which is of supernatural Revelation (and consequently, if he meddles not at all with those things) it might. It appears then reasonable, that in what the government of the World can be without, the Magistrate

gistrate should not be so pressing, when in that which it cannot subsist without, he must. Let us then again draw out what is here, and try if it will do. In matters which the world may be governed without, the Magistrate must not use his Sword; but in matters without which it cannot be governed, he may. This Proposition labours with the same failing: for, the Magistrate may use his Authority in things which the world may be governed if it were without, because he can use it in *religious* matters, as hath been instanced already from Scripture.

A third difference between Sacred and Civil things; and which is a reason, why the Magistrate is to be more careful of his injunctions, and using his Sword in the one above the other, is, Because it is more like that the things he imposes in Religious concerns should be against mens consciences, than in Civil or Moral matters, and the Magistrate hath no Authority over the Conscience of any. It is the commandment of the most High, that no man should ever do any thing against his Conscience, and the Magistrate cannot use his Authority, but for God. Now let us see if this at last

will serve for the determining the question, and if it will, then must this proposition be true. That in all matters that *are* against mens Consciences the Magistrate hath no authority, and cannot use his Sword; but in all matters that are *not* against their Consciences, or that are according to them, he may use it. And this proposition I count is true and certain, and to be maintained even in Religious and Civil matters; and so is the foundation concluded upon by me to establish our Determination.

## SECT. II.

There is one thing yet seems wanting: I do speak here to one branch of the main position as false, while in things *Religious*, though they could not be known but by Revelation, and the world could be governed without them, I affirm the Magistrate hath authority, and may use his Sword, as he may in other matters; that is, provided they be not against mens Consciences. But as to the other branch, in things *Civil* and *Moral*, which men may know by natural light, and in which the Government is more concern'd, I have not said whether it be true or false. I will proceed therefore  
and

and declare, that as the Position laid down at first, or the worthy maintainer of it, goes too *low* in denying the Magistrate the use of his sword in Religious things, which is to be granted (I count) herein as in other matters, to wit, upon supposition of both to be not *against*, but *according* to their Consciences: So does he go too *high* in yielding it in Civils, without the same limitation, whereof we must be still as tender as of our Eye, or of our Salvation. I do think also, of the two, the last is the more dangerous extremity.

I argue then, If the Magistrate may not use force, or the temporal Sword in Religious affairs, because such things are of that nature as the Conscience is like to be concern'd in them; and if it be against their Conscience it is unlawful: then when the Conscience likewise is concern'd in Civil things, he may not use the Sword neither. For if the ground be good in the one, it must be good in the other; if it will not hold in both, it may be denied in either. Again, the things perhaps are Civil things, but the man, or men, makes a Conscience of them, and so the case must be the same to them, as if it were in Religion. To make a conscience of a thing is to look upon it as  
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commanded or forbidden of God, and to go about to perform or avoid it upon that account. But to do or leave a thing undone upon the account of the command or prohibition of God, is an act of Religion. Consequently though the thing be *Civil*, yet so long as a person, or persons, make a conscience of it, it is all one to them, I say, as if the things were *religious*, and the authority of the Magistrate can be no more in the one than the other.

I will propose some instances. *Doeg* accuses the Priests to *Saul*. He hears their cause, condemns them as Traytors; commands his Servants to do execution upon them, they refuse the execution; It is against their Consciences. *Saul* here hath no authority over those Servants in this case either to command them to act, or to punish them for not acting against their Consciences. If they obey him they sin against God. *Saul* might urge here the thing was of Civil concern, and if all should do as they did, that is, question the Judges sentence, and refuse to execute it upon pretence of conscience, the Government could not stand; yet this wont serve, they must not act against their Consciences for all that. If he falls upon them for it, they must bear it; but it will be tyranny

ranny over them, and injury to Heaven; the superiority of whose authority over his, being the thing in effect they asserted, by that refusal. You may say, this is an instance indeed in Civil things, wherein the Magistrate had not authority; and consequently when Civil things are imposed against a mans Conscience, the case is the same as in Religious. But you will add, the Consciences of these men was in the right, and you would have some instance in Civil things where the Conscience is erroneous. I will offer you therefore other instances. A Garrison under *Scanderbeg* is besieged by the *Turks*, it has but one Well in it, a Traytor throws in a dead Carrion. The Soldiers are under a superstition that the water here-upon is unclean, and that they cannot drink it without sin. Rather than do so they yield the place, otherwise impregnable. This instance I once used elsewhere on another occasion. Let me offer you one more authentick out of the *Machabees*. The *Jews* are of the general perswasion that they may not fight on the Sabbath. Their enemies come upon them on that day on purpose; rather than act against their Consciences they suffer themselves all to be slain. I will ask now upon this perswasion of these men  
that

that the doing these necessary things, as drinking that water, and defending themselves was sin, whether the Captains of those Soldiers could command them to drink, or to fight and force them to it? Nothing can be pleaded of more moment in any case. The whole Government and their lives depend on it, and the light of nature might teach them that necessity should take place of their superstition. Nevertheless untill they had consulted the thing and their Consciences were satisfied of the lawfulness of it; that is untill they came to find out the substance of what Christ afterward revealed, *That man was not made for the Sabbath, but the Sabbath for man*, There was no Captain or Governour (I suppose) could have power to command them, or force them in the case. I will descend to an instance frequent in the present Nation. It is a Civil thing for any of the King's Courts to grant a Writ for a man to come, and give his testimony by Oath to any Cause that is before them. I will suppose now that some, and that many, have received the impression, that it is unlawful for them to Swear at all, and thereupon they refuse to Swear. It may be urged in this case, what a civilly evil opinion this is, which is both destructive



fructive to the Government (in the Administration), and injurious to particular persons, who may be undone in their Estates for want of such an Oath. Nevertheless there are many of the *Quakers* ready to go to prison themselves, and lose all their own Estates; and we may suppose their Lives, rather than they will be induced to swear. I ask, What will you say now to this case? Hath the Magistrate power over these mens Consciences? If he hath, he may command them to judg, otherwise than they do, and punish them that they act according to this judgment. And if he can command and use his Sword upon them, to make them swear, he may, to make them come to *Church*; and if he was a Papist Magistrate, to come to *Mass*; and if a heathen Magistrate, to sacrifice to Idols. If he have not power over their Consciences, and to command them to have other judgments, then must he let them alone (as generally our Justices have done), or challenge an authority to make men act against their Consciences, which is to use the power which he hath from God, against him. If you think there is here some difference between such cases as these, and that of the *Machabees* before, it matters little: But if you make none between them, but say

say the Commanders of those *Jews*, and those Soldiers, might have compelled them in those cases ; I say, if any of them could, they ought ; and they should not have been said then *to dye in their innocency*. I say again, if they might, then can a Magistrate command and force a man to act against his conscience ; then can he command him to sin ; then can he command what God has forbidden ; then must man be above God. The earth it self methinks can as soon be moved, as this foundation.

### SECT. 12.

What shall we say then to these things ? Shall we complain that God Almighty hath put in man such a sturdy thing as Conscience is, which makes him so often to become refractory to the commandments of his Superiors, whensoever they do but require any thing against it ? No, there is good reason, God should maintain to himself an Authority above any mortal in the earth, and that his name should be glorified by his servants, in the confession of it to the world. Or shall we complain of Government, desiring to be rid of it, as that which is so uneasie to our Consciences, that

that we cannot hardly serve God, but we must disobey man, and incur danger about it? Shall we rise up therefore in rebellion, and acquit our selves? God forbid! It is the will of Heaven who hath put into the heart of man an awe to his invisible being as our supream Lord, to constitute the Magistrate to bear his Image and representation in the earth, that in his person, himself may be honoured, so long as we *obey* only with subordination to his will, and the common good, which is the end of his appointment. If neither of these, what then? Shall we be e'en content in this state of corruption and imperfection, when the Fall hath brought so much difficulty upon all things else, as well as Government, to offer the best composition we can between the duty the Magistrate owes to God and his people, and the obedience the people owe to him and their consciences; so that we may not put off any truth which stands irrefragable by the pleading inconvenience, when these inconveniences are by prudence to be prevented, and if we do it but as well as we can, that is, as the state of mans corruption, or human frailty and infirmity will allow, it suffices, and the rest must be born. Shall we agree upon this? if we shall, I have  
but

but a little more to say hereunto, and I have done.

The Office of the Magistrate is to make the Laws, and to see to the execution. In all things as well Religious, I have said as Civil, which are for the peoples good, he may *pass*, and *execute* any Laws, so long as they be agreeable to the Word of God, and mens Consciences; but he can command or inforce nothing which is against mens Consciences. This is delivered already. Those things now which are against mens Consciences (let us consider in the last place, which hath been intimated also from one or two occasions before) are either such as are against the *Universality*, or against so many of their Consciences as the Magistrate is to take Cognizance of them: or, against the Consciences only of so *few* as is not meet for him to take cognizance of them. In the first case he is not to pass such a Law I count upon any terms; if he do, he sins against his Charge, and he hath no authority to sin himself, or cause any to sin. In the second, we may suppose that the Consciences of a few particular persons only are not sufficient to put an obstruction to any law really good for the Community, but it is to be accounted for the universalities sake, to be according

according to the subjects Consciences, and not against them. But when I have said thus as to the *passing* of the Law, I must say also that in the *execution* of such Laws, I hold that even those particular persons ought to be regarded. In order hereunto,

There are some that pretend conscience of a thing, when indeed they make none of it. Understand not this so, as if all that could not give a reason sufficient for what they hold, did not make a conscience of it (which hath caused a great prejudice and false reckoning of this business); but when they believe not the thing really in their heart to be so as they pretend.

When men *pretend* they make a Conscience of a thing, and indeed *do not*, I would have the Magistrate above all men to execute the Law upon such, (supposing they judg that Law righteous), and make them an example. If you will say, But how shall a Magistrate know this, seeing no man can judg of anothers heart, I acknowledg readily this is a difficulty, and the chief thing which requires the Magistrates prudence and faithfulness: Yet this I say, That every man for all that being judg of his own acts, and the punishing or forbearing a person being what the Magistrate *does*, he must go,

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and can but go, according to his judgment. He uses the Mediums as a wise man does, and lawfully may take his conjecture (the tree is known by his fruit), and it is not necessary it should be certain, but only that it be certain he so judges, and if he be convinced in his Soul, and indeed judges the mans profession only to be *pretence*, it is his own judgment, and nothing else can determine him. Although where the person is serious in what he declares, and not under any publick note of perfidiousness, the rule of Charity, *which hopeth all things, and believeth all things, and thinketh no evil*, must encline him to the best construction.

When men *do* truly make the conscience they *pretend*, let the Justice take heed, and see that he likewise reverence Conscience, no less than they do. If the penalty be such only as the man is like to endure it without scruple, rather than do that which is against his Conscience, the Magistrate may be the bolder in executing that Law upon him: But if it be such as he is like rather to do the thing against his Conscience than suffer it, I would not be that Magistrate who should put such a Law in execution upon any. In the mean time every particular man for himself is to look to his Conscience as  
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his Judg in the business of his Soul, and account that authority void to him whatsoever it be, that commands any thing contrary to what that dictates. And the supream Authority is to conceive that those that act under it will use prudence upon that account. Which prudence I fear me really in this case can hardly be Christian but it must come to this, That either they must totally forbear, and not so much as threaten prosecution of the Law upon such a person : or else perswade him first to resolution, to bear the penalty, and not do the thing against his conscience. They must in effect say thus to the man, If this thing be against your Conscience we advise you not to it. If our prosecuting the Law upon you will make you do it rather than suffer, we dare not prosecute you to destroy your Soul : but if you will for the sake of the general commodity, or good example, bear the punishment rather than do the thing, and we be assured of it, then can we do our office without hazard, either of yours, or our own damnation.

### SECT. 13.

After this, I begin to think what does hinder, but that this worthy Knight my

friend and I should reconcile ? As for the main business, we hold together against any that shall *oppose* us, That in all matters of *Religion*, the Magistrate may not use his Sword to force any against their Consciences; and so long as we agree in the main, we may have leave to abound each in his own sense otherwise. The difference then we have under this *agreement* does I suppose lie in two things. The one is, That in things *Religious* this Gentleman seems to deny the Magistrate the use of his Sword altogether, and I deny it him not, but meerly when such things are against mens Consciences. And herein methinks he should come over to me, for seeing *Liberty of Conscience* is the thing mainly he is engaged for, in the denial of the Magistrate the use of his Sword in these things, there is no need he should deny it at all when Conscience is not concern'd in them. The other is that in *Civil* things he grants the Magistrate the use of his Sword, as over liberally as he takes it away in *Religious*; whereas I suppose that as long as there is still the same reason, that is, so long as the thing is against a man's conscience the Magistrate may not force any one to it, whether it be Civil or Religious. And herein indeed should I be as  
ready



ready to come over to him, who knows how prudent it must seem in standing for *Liberty*, to confine it to things of *Supernatural Revelation*, lest the Magistrate be offended if we touch on *Civils*: but that if I did so, I must really forsake the Patronage of Conscience, which I am not willing my self, nor that this Gentleman should do. For if we grant once that Conscience may be forc'd in any one thing, there may be the same or the like reason urged to force it in another, and so in all, and then her liberty is gone. If we will not stand by her in all distresses, we cannot defend her in any. The ground of all is, Conscience is a thing which can be ruled by none but the Almighty. And for as much as all Authority or power resolved into its original, is, the *will* of God that such a one should *command*, it seems not a thing consonant to reason to suppose it the will of God that a Superiour should require that of a person, which it is his will that person should not do.

Things then which are *Civil* may be so in themselves, and yet come under some *consideration* which is *religious*, or may have Religion incidental to them. If this worthy Gentleman be content to hold that in things Civil under *every consideration* that is but

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*Civil,*

civil, the Magistrate may use his Sword without scruple, I yeild to him : but if a thing secular does come under a *consideration* which is *religious*, and in that consideration is against a mans Conscience, I cannot conceive, but that the case is the same here as if the matter were it self Religious. For whatsoever the thing be, in that respect, as he makes a Conscience of it, I have said before, it is a point of Religion to him.

The Fifth-Monarchy-man thinks in his Conscience, he may not pay Taxes. A strange opinion ! Against Scripture, Sense, and Righteousness : Yet if you ask the man his reason, he will bring you a Text perhaps out of *Daniel* or the *Revelations*, and the sum of all will come to this, that if he does, he thinks verily he shall receive the *mark of the Beast*, and be cast into the *lake of fire and brimstone*, and rather than venture that, he will chose to suffer, though it were death. I count this man now as one in a Fever, that is, touched in his head, and who can help such a conceit ? his opinion is grounded on the Revelation, and we agree, that in matters of *supernatural Revelation*, the Magistrate may not force any against their Consciences. What then shall he do ? I answer, In this case, and the like as this is,  
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it is the management only of the Laws with prudence, will decide such difficulties. It is against the mans Conscience, voluntarily to pay his Tax, it will wound his Soul if he does: but it is not against his Conscience, nor will it wound him, that he is assessed, and that the Officer comes, and distrains, and pays himself. So long as he bears his testimony by a *non-payment*, he is willing to have the money taken by force. And thus does the Officer do right, for the Law is, he shall pay, or, be distrained: and the man keeps his Conscience, and no hurt is done. But if a Magistrate would not be content here, unless the man payes his money *in specie*, and by way of acknowledging his Authority from God, or else he will hang him, or burn him, I have not a heart so hard to justify any such rigor, which appears more than *needs*. Unto this instance, no doubt but we may suppose many more, wherein there may be required of persons some things which are apparently their duty ( as this rendring to *Cæsar* the things which are *Cæsars*, is, ) by the Law of God, as well as man, and yet in regard of some principles some have received, or some circumstances they are in, they are against their Consciences: You

may ask therefore in general, Does not the Magistrate well to use his Sword, and execute the Law upon offenders in such cases? I answer, no doubt but he does; because he acts upon supposition, that such things are according to their Consciences, and he is not to suppose otherwise: Nevertheless, if it come within his cognizance, that the thing indeed is a matter of Conscience to him, I do humbly apprehend, and say, that the great duty of Charity which he owes to his Brothers Soul, and is above any Law of man, ought to prevail with him for some such *middle course* in the *execution* of the Law, that neither may the man be hurt in his Religion, nor the publick suffer by his ill example: but that both his Conscience be regarded, and righteousness also take place.

You may say perhaps, You would indeed have the Magistrate have a care, and not force a man to any thing against his Conscience: but you think notwithstanding, he may very comfortably punish him, if he do not what was enjoyned. I will ask then, For what could you comfortably punish him, for being true only to his Conscience, which is to be faithful to God? I do not find, if I were a Magistrate, that I could have any great comfort in that. Indeed if  
a man

a man were *doing*, or *does* a thing which is evil or destructive to the Government and common good, though it be according to his own Conscience or judgment but what he ought to do, I think the Magistrate may punish him with comfort, and may restrain him more comfortably from what he would do : but I do not think he may punish him with any such content for *not* doing that which yet were good, so long as it is against his Conscience. My reason I give is this, Because in the one, the man does what God would not have him : in the other, he does what God would have. God would not have him do evil because of his erroneous Conscience, but that he should lay down his error and do good : but God will have every man so regard his Conscience, though erroneous, that he must not do any thing against it, for any fear or advantage in the world. Again, as for what cause, I will ask, For what end could you punish him ? Is it for the most ordinary end of punishment, the parties amendment, that is, the making the man do what he now leaves undone ? I answer, Then your distinction here becomes void, when you say, you would not force him to any thing against his Conscience, but you can punish him ; for the Magistrates

gistrates forcing a man to any thing against his Conscience, is to punish him for not doing the thing to make him do it. Or is it only for example sake to others ? If so, Then must these others be either such as the thing is also against their Consciences, and then I say, you are no more to punish one man, to enforce others thereby to do against their Consciences, than to force himself to act against it : Or these others must be such as it is not against their Consciences, though against his, and in such a case, if their be indeed a punishment can be inflicted, so as will not be inductive, either to the man himself, or others, to do the thing which is against their Consciences, but will only induce others, who can do it according to theirs, to the doing, I am not careful though it be executed upon any; yet cannot say steadily, that you may execute it, because the very nature of punishment is such, as unless it be for a fault, and that which deserves it, there is no other end without this, can justify the infliction of it. You see at last still unto what all will be reduced. Things *are*, or things are *not* against mens Consciences. And there is a forcing *positively*, or *negatively*. Understand these terms as I have unfolded my self, and  
so

so judg of the weight or insufficiency of my Undertaking.

# SECT. 14.

I remember in the life of *Josephus*, when some of the *Trachonites* came in for rescue to the *Jews*, where himself was Governor, and the *Jews* would thereupon constrain them to be circumcised, or else let them not abide with them, he would not permit that injurious zeal, alledging, "That every man ought according to his own mind, and not by mans compulsion, to serve God. In our English story ( to suit this ); when *Ethelbert* the first Prince that received Christianity of the *Saxon* Heptarchy, was converted by *Austine*, sent hither by *Gregory*, and many thereupon came into the Church, it is said, "He specially embraced those that came in, but compelled none, for he had learned, that the faith and service of Christ ought to be voluntary, and not of constraint. It helpeth much to establish the publick Tranquility ( says the Imperial Edict of *Constantine* and *Licinius* ), for every man to have liberty to use and choose what kind of worshipping himself pleases: And for that intent is this done of us,

us, to have no man enforced to one Religion more than another. " A Prince who would draw his Subjects divided into Sects and Factions, to his Religion, should not in my opinion use force, says *Bodin*. Which he enhaunses more particularly from the example of *Theodosius* toward the *Arrians*. *John Barclay* (not *William* that wrote *adversus Monarchomachos*) hath a Discourse on purpose to this effect about the *Calvinists* (as it is thought) under the name of the *Hyperephanians*, in one Chapter of his *Argenis*. "It was observed by the *Popes* Council (says *Guiccardine*) that the prosecution of *Luther*, since it was not accompanied with their own Reformation, did encrease his Reputation; and that it had been a less evil to dissemble the knowledg of such a matter, which would perhaps have dissolved of its self, than by blowing at the brand, to make the fire burn the more. There may be some Notes conferred with this out of *Davilah*, upon the deliberations of the Politick *Katharine* Regent of *France*, about the Pacification in her Son *Henry* the Thirds time. I will rest in one, after *Henry* the Fourth succeeded. That great Prince thought good to declare himself Catholick, but gets that same Edict for Liberty to the *Hugonots*, to be renewed and passed



passed the Parliament of *Paris* ; “ By which means endeavouring to remove suspicion from their minds, and confirming them by good usage, together with some gifts and promises to the chief Heads, he insensibly took away (says the Historian) the pulse and strength of that Party ; so that those that are versed in the Kingdom believe that a few years of such sweet poyson (if he had not been disabled in this course through want of money) would have extinguished that Faction, which so many years of desperate War, had not with the effusion of so much blood, been able to weaken. “ Violent courses (says my Lord *Cook*) are like hot waters, that may do good in an extremity ; but the use of them doth spoil the stomach, and it will require them stronger and stronger, and by little and little they will lessen the operation. “ They that love this Commonwealth (says Judg *Jenkins*) will use means together with the restitution of the King, to procure an Act of Oblivion, and tender Consciences a just and reasonable satisfaction, else we must all perish. first or last. I will crown the rest of these Testimonies with that experienced advice of our late King to his Son our now consenting Sovereign. “ Beware of exasperating any  
Faction

**Faction** by the crofness and asperity of some mens passions, humours, or private opinions employed by you, grounded only upon the differences in lesser matters, which are but the skirts and suburbs of Religion, wherein a charitable Connivance, and Christian Toleration often dissipates their strength, whom a rougher opposition fortifies, and puts their despised and oppressed party into such combinations as may most enable them to get a full revenge on those they count their Persecutors, who are commonly assisted by that vulgar commiseration which attends all that are said to suffer under the notion of Religion. I set down these passages which my self occasionally have noted: I may add many more out of others.

It is not like in the three first Centuries of the Church that any thing is to be found in the Christian Writings for the use of the Sword in Religion, while themselves were under it. In the next ensuing we have *Constantine, Constantius, Jovian, Valentinian, Valens, Theodosius*; and after those, *Honorius*, and *Arcadius* may be cited for their larger permissions, especially toward the *Jews*, by those that will be at the pains to do it. In the year 386, *Idacius* and *Ithacius* were condemned

demned by the *Gallican* Bishops, for being Authors of bringing the *Priscillianists* to execution. And St. *Augustine* no doubt with the Fathers generally are against any *Sanguinary* Laws in this matter. *Nullis bonis in Catholica Ecclesia, hoc placet, si usq; ad mortem in quendam hereticum se viatur. Contra Cresconium* l. 3. c. 50. Hence were they called *Ithacians*, and held for Hereticks who maintained that those who erred in Religion ought to be put to death. And it is observed it was *Dominick* was the first that brought up the fire among Christians upon that account. *Withdraw from them, avoid them*, says the Scripture, *ἐμὴν χεὶρ τὴν τῶν αὐτῶν καὶ διώκων καὶ θῶς τὰ ὄντα*, but not beat or persecute them as the Heathens do, says *Ignatius*. For it is an unheard of strange kind of preaching the Gospel (says *Gregory*) to exact belief (as the *Egyptian* their Bricks) with stripes. *Decere arbitramur* (say *Theodosius* and *Valentinian*) *nostrum Imperium subditos nostros de Religione commonefacere*. They chose not to say, *Imperare*, but *Commonefacere*; signifying that Religion ought not to be forc'd. *Nihil enim* (says *Lactantius*) *tam voluntarium quam Religio, in quasi animus est sacrificantis aversus, jam sublata, jam nulla est. Religio imperari non potest*, says *Cassiodore*. And, *Suadenda* (says

(says St. Bernard) *non imperanda. Præcepit sancta Synodus* (says a *Toletan Canon de Judæis*), *Nemini deinceps ad credendum vim inferre.* And the new Law (says *Tertullian*) does not vindicate it self *ultore gladio.* The *Jews* took no such course (as peitilent as their Doctrine was) with the *Sadduces*; nor Christ with the *Samaritans.* See *Luc. 9. 55. Mat. 13. 28, 29. Jo. 18. 36. Jo. 6. 67.* And will ye also go away, says Christ to the Twelve? Which are words removing all force and necessity from man in the choice of his Religion. So *Chrysostome, Athanasius, Cyprian,* I may add *Augustine* and *Salvian*, all, or most out of *Grotius*, put his two Books, *De jure belli,* and *De imperio summarum potestatum circa sacra* together, in certain places. And at the last let us hear that learned and judicious man himself, for as the man is, such is his strength. *Quid de illis armis dicemus quæ inferuntur populis aliquibus eam ob causam quod illi Christianam religionem sibi propositam amplecti nolunt? Duo notanda dicimus. Prius est veritatem Christianæ religionis argumentis mere naturalibus persuaderi non posse, quo fit ut penitus in animum admitti nequeat nisi secretis Dei auxiliis accedentibus, quæ si quibus negantur id fit ob causas plerumq; nobis incognitas, ac proinde humano judicio non punibiles.*  
*Alterum*

*Alterum hoc est, Christo novæ legis auctori omnino hoc placuisse ut ad legem suam recipiendam nemo hujus vitæ pœnis aut earum metu pertraheretur. De jur. bel. l.2. c.19. I forget not Camerarius in his Historical Meditations, who l.3. c.18. hath a discourse, as learned, full, and grave as need to be upon this argument.*

For all this, there is a difference I account to be held firm, between the forcing of people to the profession of a Religion which they have not received yet into their minds and belief (and so cannot worship God in it, who is a spirit, and must be worshipped in spirit and truth): and the preventing or restraining exorbitances in that Religion which a Nation does already profess. I cannot drive any person (over whom I have the greatest power) against his will unto God; yet should I not methinks, if I can help it, let him go to the Devil. *Notandum* (I remember the same *Grotius* has it otherwise) *puniri delicta non tantum quæ directe alios ledunt, sed & quæ per consequentiam. Religio autem suos habet in societate humana effectus maximos.* It cannot be denied by me that *Hezekiah*, *Josiah*, *Asa*, *Jehoshaphat*, threw down the High places: Nor that some good Emperors through the like care

of Unity in Religion, forbid Heretical and Schismatical Conventions, gave their Churches to the Orthodox, laid mulcts upon the ordainers, and the ordained amongst them, debarred them from Preferments, yea even from their Rights by Testaments. And if in all this they are defended, by *Austine* against the *Donatists* (See his first Book against the Epistle of *Parmenian*, and *De Horum correctione*, more at large), it may be believed that the use of some sort of temporal punishments for the reclaiming of Schism and Error, which cut not men off from repentance as death does, was not abhorrent altogether to the ancient Church. *Exhibitus igitur & convictus Crispinus, decem tamen libras auri (quam mulctam in omnes hæreticos Imperator Theodosius constituerat) intercedente Possidio, non est compulsus exolvere. Cont. Cres. l. 3. c. 47.* It were perhaps easier to say what is *lawful*, then what is *fit*, and to speak more that is *true*, then *convenient* for the season. The Commonwealth (says *Patricius*) is as a Ship, *quæ omnium manibus officioq; indiget.* A leak in a Ship (says my Lord Cook) hereupon) is timely to be repaired. For as it is in the *Natural*, so is it in the *Political* body, *Non morbus in plerisq; sed morbi neglecta curatio, corpus interficit.* Inst. part. 4. c. 1. p. 50.

I will

I will add what I find a few leaves before, (pag. 35.) when it was demanded in a Parliament of Henry the Sixth by what means they might have good success, the answer is thus set down. *Eritis insuperabiles, si fueritis inseparabiles. Explosum est illud diverbium, Divide & impera, cum radix & vertex imperii et obedientium consensu rata sunt.*

The scope of all this leads to reconcilement, and the middle path between the *Oppression*, and *Licentiousness* of the *Conscience*, that the due *Liberty* thereof, and no more, being maintained, the care of Religion may not be neglected, nor good Laws be condemned; but different minds may be born, yet dangers stopped, and the Church upholden. *In omnibus vero tenendus est modus aptus humanitati, congruus charitati: ut nec totum quod potestatis est exeratur: & in eo quod exeritur dilectio non amittatur: in eo autem quod non exeritur, mansuetudo monstretur*, August. cont. Cres. l.3. c.51.

I descend not now to any particulars in reference to the entendment named; for I know how touchy the age is, and that the proper Anvil to have such things beaten upon, were *Conventus sapientum*, or *magna servorum Dei frequentia*, in the stile of some ancient Lawyers. There is one thing only

yet I cannot pass as what is more conspicuous in that Father last cited ; who having occasion in reference to the *Donatists*, to consult with his Brethren about this matter, he tells us the result they came to was this ; *Non esse petendum ab Imperatoribus ut ipsam heresim juberent omnino non esse, pœnam constituendo eis qui in illa esse voluissent, sed hoc potius constituerent ut eorum furiosas violentias Catholici non paterentur.* That is, they would not have their Legats desire of the Emperour to pass any such Law that no man should be suffered to be *Donatists*, or that if they were, they should be punished only for being of that opinion : But that the violences they offered against the *Orthodox* might be repressed, and particularly that the mulct which by a Law of *Theodosius* was laid on Heretical Preachers, might be inflicted on these men that were disturbers. Indeed the Emperour afterwards hearing of the fury of their *Circumcellioes*, passed some Laws more severe than *Augustine* would have desired, against all the Sect : And that Father, it must be acknowledged, in many places of his several Books, does seem to rejoyce much in the great success they found by them ; inso much as I will not omit one or two of his expressions. *Multi qualem causam*



*causam heresis haberet nunquam antea cogita-  
verunt : mox ubi ceperunt advertere, & nihil  
in ea dignum invenire propter quod tanta dam-  
na paterentur, sine ulla difficultate Catholici  
facti sunt. Docuit enim eos sollicitudo, quos  
negligentes securitas fecerat. Again, Non vel  
tot sunt illi homines qui sua voluntate pereunt,  
quot liberantur per istas leges ab illa pestifera  
pernicie, Fundi, pagi, viri, castella, municipia,  
civitates. De correptione Donatistarum, ad  
Bonifacium.*

By this little and by all the rest, we may  
see what a difference there is, and ought  
to be of judgment, according to diversity  
of states, and circumstances in this business.  
It is certainly true on both sides ; On the  
one, that Laws and Punishments are ordi-  
narily the direct means to suppress any evil  
that is growing, and consequently any par-  
ty, sect, or opinion, that the Ruler shall  
think fit to suppress : On the other, that  
Persecution is the most quick and active  
course, to engage the hearts and spirits of  
the believing and zealous, in their way  
which is Religious, and wherein they judg  
that God still must be obeyed before man,  
above any other ( even of Preferment it  
self ) that could be invented to do it. And  
consequently, when we have stated the Ma-  
gistrates

gistrates power, whereby we come to see what he may strictly do in these matters, we must leave him at the last to prudential considerations still, whether he had best to exert that power or no, and what is best in the exerting of it, according to the condition of his people. For my own part, I am here in *Genere demonstrativo*, not in *Genere deliberativo*. And I may debate with that Gentleman in the one, unto whose Arguments I would refer to chuse of any; in the other.

There are two Rules in the Preamble of the Statute *primo Mariæ*. The one is, that the state of a King standeth more assured by the love of his Subjects, than in the dread and fear of Laws. The other is, That Laws justly made without extream punishment, are more often, and for the most part better obeyed than those that are made with that extremity. Unto which the before named Lord Chief Justice Sir *Edward Cook* subjoyns this sentence, *Mitius imperanti, melius paratur*. I will close up all with that gracious end of one Speech of the present Lord Keeper to the Parliament. If any just grievances shall have happened, his Majesty will be as willing and ready to redress them as you to have them presented to him :

him : And his Majesty doubts not but you will give healing and moderate Counfels, and imprint that known truth in the hearts of his Subjects, That there is no distinct interest between the King and his people, but the good of one, is the good of both.

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FINIS.

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## ERRATA.

**P**Ag. 26. lin. 12. for then *read* that. p. 28.  
l. 11. *r.* we shall perhaps. p. 59. l. 14.  
*r.* allowed to plead. p. 66. l. 17. for preferred  
*r.* preserved.

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